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**Strengthening Business
and Human Rights:**

A Comprehensive Review of National Human Rights Institutions"

A report developed by GANHRI's WG on BHR

November 2023



GANHRI

Global Alliance of National Human Rights Institutions



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1. Introduction

The GANHRI business and human rights working group is pleased to launch this report detailing how national human rights institutions (NHRIs) engage with the topic of business and human rights (BHR). This report aims to:

- Identify mandates, activities, and good practice examples of how NHRIs are engaged with BHR;
- Identify priorities and trends in how NHRIs engage with different rightsholder groups, human rights themes, and business sectors;
- Establish a baseline and inform future activities of the GANHRI BHR WG and individual NHRIs;
- Inform future analysis and feed into the global roadmap on BHR.

The report was informed by a global survey of NHRIs. The survey was developed by the working group and shared among NHRIs during the first semester of 2023 through regional representatives and NHRI networks in Asia Pacific, Europe, and the Americas. While Africa is also covered in this report, the continent's insights stem from the 2022 NANHRI Member Survey on Business and Human Rights & Sustainable Oceans¹, which also informed the design of the global survey.

A wide range of NHRIs completed the survey: 10 from Latin America and the Caribbean, 14 from Asia Pacific, 20 from Europe, and an impressive 40 NHRIs that participated in the 2022 NANHRI Members Survey.

This report is structured to provide an overall summary of the results from each region, identifying key results and ways forwards in Chapter 2. Chapter 3-6 provide more detailed summaries and responses from each region.

2. Summary

2.1 Asia-Pacific: Fostering Business and Human Rights through NHRIs

In the Asia-Pacific region, the 24 National Human Rights Institutions (NHRIs) which exist engage with in BHR to

varying degrees. Despite not all NHRIs in the region having mandates which explicitly address BHR, many report that they engage on BHR through their foundational documents which mandate them to monitor human rights, including the impact of business activities on these rights. NHRIs in the Asia-Pacific have been instrumental in promoting BHR, and many report both internal and external capacity enhancement. NHRI efforts encompass diverse stakeholders, including government officials, businesses, educational institutions, and non-profit organizations, through training, discussions, and online courses. Furthermore, thematic committees and online forums have been established by some NHRIs to advance business respect for human rights.

Raising public awareness on BHR is another key focus for Asia-Pacific NHRIs. NHRIs report that they have organized dialogues, conferences, and collaborative groups, bringing together a diverse range of stakeholders to advocate for human rights in the business context. This advocacy has been particularly crucial during the Covid-19 crisis, where NHRIs used social media platforms to highlight workers' rights and interact actively with the business world to underline human rights norms and due diligence, as detailed in international instruments including the UNGPs.

NHRIs report that they have worked to address human rights infringements linked to businesses, by conducting investigations in various industries, organizing public hearings, and managing complaints, mediating disputes, supporting victims in seeking justice, and advising governments on BHR issues. They have also prioritized research, policy advisories, and legislative engagement to guide or modify business and human rights laws.

Furthermore, Asia-Pacific NHRIs have closely observed the safety and rights of human rights defenders, particularly regarding telecom companies' impact on their privacy and security. NHRIs report developing initiatives related to forced labor and human trafficking, such as welfare evaluations for Indian Tamil minority plantation workers and dedicated facilities like Bahrain's "Expatriate Protection Centre and Shelter." Collaborations with labor

1. NANHRI Member Survey on Business and Human Rights Sustainable Oceans, 2022



unions have helped strengthen freedom of association, while concerns about indigenous peoples' land rights have been addressed through mediation and developmental impact assessments. Additionally, consultations have been held to ensure inclusivity and equality for migrant workers and persons with disabilities across a range of sectors.

2.2. Europe: From National Action Plans to regional commitment

In Europe, NHRIs report diverse levels of engagement with business and human rights, reflecting their varied mandates. While some NHRIs have extensive mandates explicitly allowing them to address a broad range of businesses impacts on human rights, others have narrower mandates and focus their activities towards public entities. Some NHRIs have mandates to work extensively on equality and non-discrimination and work with BHR through this lens. Furthermore, some NHRIs have a mandate to handle individual complaints and impose sanctions, including fines, and utilise this lens to engage with BHR. Many NHRIs have mandates to assess the compatibility of proposed legislation with human rights standards, including legislation which relates to ensuring business respect for human rights. A number of NHRIs have make recommendations to the government regarding BHR.

The structure of NHRIs varies, with some having dedicated units or commissioners for business and human rights, while others adopt interdisciplinary or collaborative approaches. NHRIs differ in size and resources, but they collectively engage in capacity-building, research, public awareness campaigns, and collaboration with businesses on philanthropic initiatives, including through the European Network of National Human Rights Institutions (ENNHRI) BHR WG. Many NHRIs report that they possess limited business-related capacities and/or a desire to increase capacity to work more with BHR related issues. Some NHRIs have engaged directly with the business sector, including through working groups and targeted capacity building support and activities.

NHRIs demonstrate comprehensive engagement with various sectors, particularly in areas like agriculture and fisheries, while showing adaptability and willingness to address emerging business and human rights issues, including artificial intelligence and technology. More limited engagement is observed in sectors such as the garment and textile industry. NHRIs also engage to support public entities, including public procurement institutions, where they provide valuable guidance and tools to ensure human rights are embedded into their processes and activities. They actively participate in developing and implementing national baseline assessments and National Action Plans on BHR, contributing to Human Rights Impact Assessments. Some are advocating for mandatory human rights (and environmental) due diligence, and

2.3 The Americas: Diverse Mandates and Actions

Latin America is home to a diverse array of NHRIs, with mandates that vary in how explicitly they address BHR. While many NHRIs possess broad mandates that could be interpreted to encompass BHR issues, only some have undertaken targeted actions in this domain. Engagement with the corporate sector also varies widely among the Americas NHRIs, which employ different approaches to capacity building, covering topics like due diligence and the intersection of technology and human rights. They engage in public awareness efforts, legal counseling, participation in national and international forums, and partnership agreements with the private sector to raise awareness about labor rights and the role of businesses in human rights.

To promote business respect for human rights, NHRIs in the Americas employ strategies including partnering public entities, such as justice ministries, engaging with civil society and corporate sectors through targeted training programs. NHRIs report that they scrutinize a range of issues, from environmental consequences to gender discrimination, and collaborate with public prosecution offices to recommend appropriate legal actions.



They also serve as crucial mediators in human rights cases related to businesses, employing various tactics to offer alternatives to litigation and support victims through judicial and non-judicial mechanisms.

Monitoring and reporting activities to international and regional bodies are also part of the NHRI repertoire. Some institutions include these issues in their regular reports, while others undertake specialized initiatives or collaborate with international bodies. NHRIs in the Americas also offer recommendations on environmental assessments and social responsibility to shape national policy frameworks. They focus on areas such as private security services, mining company accountability, and mandatory human rights due diligence.

While American NHRIs have taken significant steps to address the impact of business activities on human rights, there are still areas where more coordinated efforts are required. Engagement across sectors, like the garment and tourism industries, points to areas that may need more attention. Consistency in collaboration with state actors to safeguard human rights is also an issue that needs further development.

2.4 Africa: NHRI Engagement and Challenges

In Africa, as detailed in the 2022 NANHRI Member Survey on Business and Human Rights & Sustainable Oceans, NHRIs play a pivotal role in safeguarding human rights. A significant percentage of these institutions consider their mandates conducive to conducting BHR activities. Importantly, many NHRIs interpret their mandates expansively, allowing them to address a wide range of BHR issues. While some NHRIs in East and Southern Africa have a relatively longer tradition of working on BHR, those in West Africa and other subregions often engage on a more sporadic basis. Nevertheless, a common thread unites all respondents: a strong interest in furthering their BHR engagement and a need for support to do so.

This report reveals that, despite acknowledging capacity limitations, NHRIs actively participate in a diverse array of BHR-related activities. Central to their efforts are the

provision of advice and recommendations to governments, with 88% of institutions citing this as a primary activity. Recommendations frequently find their way into NHRIs' annual reports. Complaints-handling concerning human rights abuses in the business sector is another key domain of NHRIs' BHR work, with 85% of institutions actively addressing such issues.

While NHRIs exhibit increased engagement with businesses, interactions with regional BHR frameworks remain limited. Familiarity with regional mechanisms is generally low, with the exception of the United Nations Guiding Principles on Business and Human Rights (UNGPs). However, there is a strong interest in strengthening engagement with regional mechanisms.

2.5 Overall Challenges and a Way Forward

Financial constraints are a significant challenge limiting NHRI engagement in BHR activities, with insufficient resources hindering their ability to implement BHR initiatives effectively. Institutional capacity is another concern, with limited dedicated staff and expertise. Many NHRIs expressed a need for support and capacity-building opportunities broadly and/or in specific areas such as human rights monitoring, impact assessments, and engagement with regional processes.

Many NHRIs recognise the importance of the 2011 Edinburgh Declaration, which articulates how NHRIs can engage with BHR. However, many NHRIs increasingly rely on the normative standards developed/ adopted since 2011 to guide their work on BHR, including the UNGPs, the 2030 Agenda for Sustainable Development, and the updated OECD Guidelines for Multi-national Enterprises.

Based on the findings in this report, the GANHRI BHR WG recognises a need to update the 2011 Edinburgh Declaration to reflect the normative developments which have occurred in the field of BHR since 2011 and the increasingly numerous and varied ways in which NHRIs are working to ensure business respect for human rights as



rights as detailed in this report. The GANHRI BHR WG commits to update the 2011 Edinburgh Declaration as part of its workplan.

3. Responses from Asia Pacific NHRIs

3.1 Summary

In the Asia-Pacific, 24 National Human Rights Institutions (NHRIs) exist, with 16 and 8 holding A-status and B-status accreditations, respectively. Fourteen of these participated in a survey. Although these NHRIs don't possess explicit mandates regarding business and human rights, their foundation documents generally provide them with overarching mandates to monitor human rights, including the effects of business on these rights. For example, the Bahrain NHRI, established by Law No. (26) of 2014, holds a broad mandate spanning various human rights sectors. The NHRIs of Bangladesh, Iraq, Myanmar, the Philippines, and Sri Lanka mentioned particular legal provisions enabling them to handle business-related human rights matters. NHRIs like NHRC Maldives and Palestine's Independent Commission for Human Rights (ICHR) conduct activities such as advocating for national business and human rights action plans or executing legal studies. Of the respondents, seven NHRIs engage directly with businesses for skill-building and guidance, with three possessing dedicated units or staff for business and human rights concerns.

NHRIs have been instrumental in fostering and preserving human rights within the business realm. These institutions emphasize both internal and external capacity enhancement, including embedding the United Nations Guiding Principles on Business and Human Rights (UNGPs-BHR) and supporting a National Action Plan on Business and Human Rights (NAP-BHR). They have engaged diverse stakeholders, like government officials, businesses, educational entities, and non-profits, in training, discussions, and online courses. Additionally, thematic committees and online forums have been launched to aid this mission.

Raising public awareness on business and human rights is another key focus. This has been facilitated through dialogues, conferences, and collaborative groups consisting of NHRIs, NGOs, academia, private enterprises, and UN agencies. During the Covid-19 crisis, NHRIs extensively used social media platforms, like Twitter, to broadcast messages on workers' rights. Moreover, these institutions have actively interacted with the business world, offering them insights into human rights norms, due diligence, and the NHRIs' essential role in the human rights spectrum.

Consistent with their roles, NHRIs have diligently tackled human rights infringements linked to businesses. They've investigated allegations of rights abuses in different industries, organized public hearings on topics like the impact of climate change on human rights, and managed a range of complaints from workplace issues to environmental harm. They've also mediated disputes, supported victims in seeking justice, and advised governments on critical business and human rights topics. Research, policy advisories, and legislative engagement are also prioritized to guide or modify business and human rights laws.

In their drive to champion human rights across diverse areas, various organizations have implemented region-specific and concern-focused measures. For instance, the Philippines has launched a Guidance Document on Business and Human Rights, highlighting equality and the inclusion of marginalized groups, including indigenous communities. Alongside, the significance of gender has been underscored, with forums shedding light on rural women's conditions. Amid the COVID-19 pandemic, rigorous monitoring of human rights scenarios has occurred, with attention to private health insurance effects and reports on informal sector workers' social security.

Moreover, the safety and rights of human rights defenders have been closely observed, especially concerning telecom companies' impact on their privacy and broader security issues. Issues like forced labor and human trafficking have spurred initiatives like welfare evaluations for



the Indian Tamil minority plantation workers and dedicated facilities like Bahrain's "Expat Protection Centre and Shelter." Collaborations with labor unions have strengthened freedom of association, while concerns about indigenous peoples' land rights have been addressed through mediation and developmental impact assessments. Furthermore, consultations have been held to ensure migrant workers and persons with disabilities experience inclusivity and equality across sectors.

Various sectors have been under the NHRIs' scrutiny to observe and address the implications of business activities on human rights. For example, in agriculture and fisheries, oversight exists for forced labor and the impacts of reclamation and the pandemic on small-scale fishermen. The mining sector has seen mediation over ancestral land disputes and monitoring of mining-related human rights risks. In the garment industry, the working conditions during COVID-19 and those in free trade areas have been examined. Dialogues in the energy sector have brought to light human rights issues caused by mining and power entities. Lastly, the financial sector has been urged to weave human rights principles into their service ethos.

Only two of the NHRIs from the survey reported collaborating with their governments on creating national action plans related to business and human rights. One NHRI has been notably proactive in human rights due diligence, while another has led initiatives at the regional level to promote and protect these rights. They have integrated these concerns into their strategic and operational plans, focusing on areas like the national economy's compatibility with human rights, the pandemic's effects on workers, and the propagation of human rights culture. Additionally, there's an active participation in the Global Alliance of NHRIs' monthly meetings centered on business and human rights. To further their endeavors in this domain, six NHRIs identified a need for training workshops, e-learning courses, more resources, national-level meetings, and the development of new guidance tools.

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3.2 Asia-Pacific NHRIs work on BHR

The Asia-Pacific region has twenty-four (24) national human rights institutions, sixteen (16) of which hold A-status accreditation while eight (8) are B-status, as accredited by the Sub-Committee on Accreditation in accordance with the Paris Principles².

Over half of the existing NHRIs in the Asia-Pacific region responded to the survey - fourteen (14) in total namely the Independent Human Rights Commission of Afghanistan (IHRC Afghanistan), Bahrain National Institution for Human Rights (NIHR), Bangladesh National Human

2. <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRIs.pdf>



Rights (NIHR), Bangladesh National Human Rights Commission (NHRC Bangladesh), National Human Rights Commission of India (NHRC India), Iraq High Commission for Human Rights (IHCHR), Human Rights Commission of Malaysia (SUHAKAM), Human Rights Commission of Maldives, Myanmar National Human Rights Commission (MNHRC), National Human Rights Commission of Nepal (NHRC Nepal), National Human Rights Committee of Qatar (NHRC Qatar), Independent Commission for Human Rights of the State of Palestine (ICHR Palestine), Commission on Human Rights of the Philippines (CHRP), Human Rights Commission of Sri Lanka (HRCSL), and Provedoria for Human Rights and Justice in Timor Leste (PDHJ).

3.3 NHRI mandate to work on business and human rights

The NHRIs surveyed do not have explicit mandates on business and human rights but their enabling Constitutions or laws generally empower these institutions with broad mandates to promote and protect human rights including monitoring States' actions in preventing and addressing the risk of adverse impacts of business activities on human rights.

Among the laws cited:

The National Institution for Human Rights of Bahrain (NIHR), established by Law No. (26) of 2014 that was amended by Decree-Law No. (20) of 2016, has been guaranteed a broad mandate in the field of human rights, including civil, political, economic, social, and cultural rights, all of which lead to the promotion and protection of human rights, whether that person is a citizen or a resident of the Kingdom, regardless of the different legal status, and therefore the institution has sufficient powers that enable it to work in the field of business and human rights as one of the rights belonging to the aforementioned five rights. Article No. (12) of the law granted the NIHR freedom to comment on any human rights including business issues and to address any human rights case as it deems appropriate. Among the activities that the NIHR can implement:

- Participate in the development and implementation of a national plan for the promotion and protection of human rights in the Kingdom.
- Studying the compatibility of legislation and regulations with regional and international treaties related to human rights, and submitting proposals and recommendations for their development.
- Submitting parallel reports and participating in the formulation and discussion of national reports.
- Monitoring cases of human rights violations, and conducting the necessary investigation.
- To receive, examine and consider complaints related to human rights, and refer the necessary complaints, to the competent authorities, and follow up the complaints effectively, or inform those concerned of the procedures that must be followed, assist them in taking such measures, or assist in settling complaints with the competent authorities.
- Conducting announced and unannounced field visits to correctional institutions, detention centers, labour gatherings, health and educational centers, or any other public place where human rights violations are suspected to be being committed.
- Cooperate with the competent authorities concerned with cultural, media and educational affairs.
- Cooperation with national bodies and regional and international organizations.
- Holding joint meetings and events, and cooperating, coordinating and consulting with relevant civil society institutions, non-governmental organizations, various other groups, and human rights defenders.
- Hosting conferences, seminars, training and educational events in the field of human rights and conducting research and studies in this regard.
- Participation in national, international, regional and international forums concerned with human rights issues.
- Issuing bulletins, publications, statements and special reports.



The NHRI of Bangladesh considers Sections 12 and 14 of the National Human Rights Commission Act 2009, as their mandate to handle, mediate and arbitrate on complaints relating to allegations of human rights violations which include business activities.

Article 102 of the Iraq Constitution and IHCHR's Law no. 53 of 2008 enables the NHRI of Iraq to work on business and human rights.

Section 22(d) of the Myanmar National Human Rights Commission (MNHRC) Law mandates the NHRI to visit the scene of human rights violations and conduct inquiries regarding business and human rights upon receipt of a complaint, allegation, or information.

Section 18, Article XIII of the 1987 Philippine Constitution that established the Commission on Human Rights of the Philippines (CHRP) for instance grants specific powers and mandates to the NHRI, inter alia:

- 1.** Investigate, on its own or on the complaint by any party, all forms of human rights violations involving civil and political rights;
 - 2.** Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection;
 - 3.** Establish a continuing program of research, education, and information to enhance respect for the primacy of human rights;
 - 4.** Recommend to Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families; and
 - 5.** Monitor the Philippine Government's compliance with international treaty obligations on human rights.
- Additionally, the CHRP established in 2016 the Economic,

Social, and Cultural Rights (ESCR) Center under the Centers Management Office to primarily monitor the compliance of various instrumentalities of government with their obligations and commitments under international human rights instruments, including the UNGP-BHR. The ESCR Center, together with the Commission's Policy Advisory Office, issue policy advisories and recommend human rights-based policy measures in relation to business and human rights.

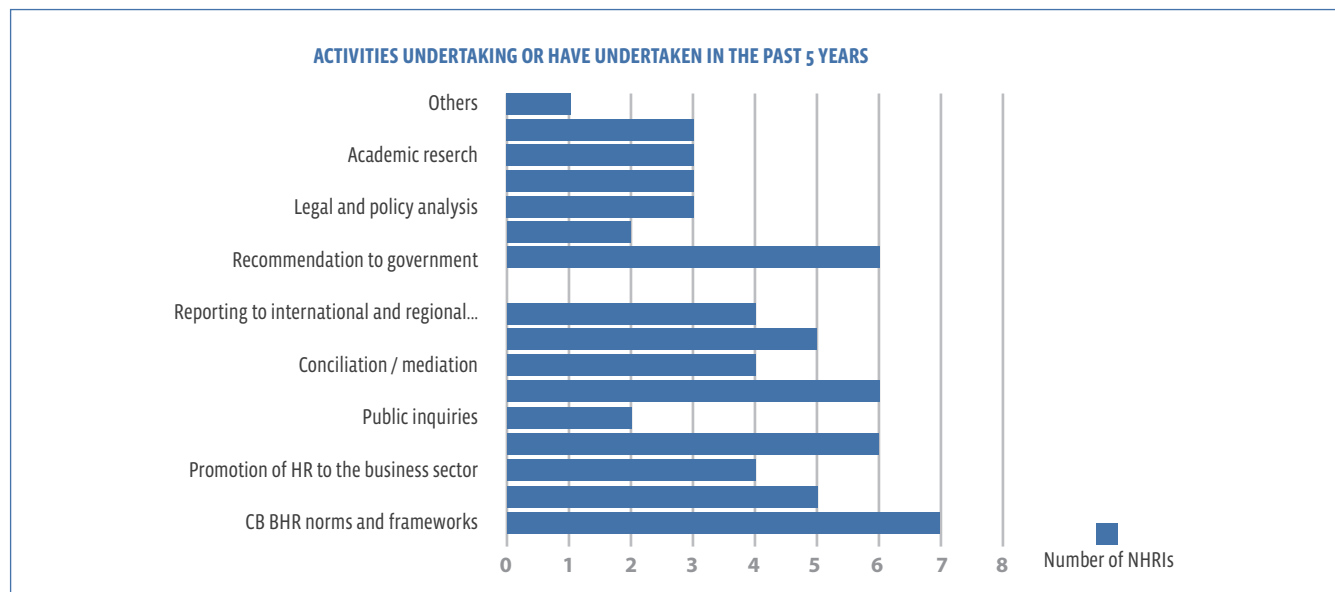
Sections 10, 11 and 14 of the Human Rights Commission of Sri Lanka Act No.21 of 1996 stipulate the role of the HRCSL on business and human rights.

Other NHRIs work on advocating for the formulation of a national action plan on business and human rights (NHRC Maldives), conducting legal research (Palestine) and inclusion of complaints related to business activities in its monitoring, promotion and education, mediation and investigation activities (PDHJ).

7 NHRIs have responded that their mandates include engaging with business such as through capacity building or provision of guidance on business and human rights. While 3 NHRIs mentioned that they have a designated commissioner, operational unit and/or staff focusing on business and human rights.



3.4 NHRI Activities



Based on the aforementioned enabling laws, NHRIs surveyed have undertaken or are currently implementing activities on business and human rights identified in Figure 1. The following are specific examples of such undertakings.

1. Internal and external capacity building on business and human rights norms and frameworks

- Mainstreaming the United Nations Guiding Principles on Business and Human Rights (UNGP-BHR) and the calls for the creation of a National Action Plan on Business and Human Rights (NAP-BHR), through a series of learning sessions which aimed to popularize the UNGP-BHR with the duty-bearers as provided under Pillar 1 and Pillar II. Representatives from the national government agencies, the business sector, learning institutions, and civil society organizations participated in these activities. (CHRP)
- Thematic Committee on Business and Human Rights & CSR has been established to contribute in the development of the UN “Protect, Respect and Remedy”

Framework and obtain an evolving role within all pillars of the framework and in its implementation at regional context. The Thematic Committee arranges meetings and discussions on business and human rights with different stakeholders, assists in internal and external capacity building. (NHRC Bangladesh)

- Online course and face to face training (blended learning course) provided to NHRI staff facilitated by regional and international partner NHRIs and NGO³. The training focused on the impact of business to the environment and human rights. (MNHRC, HRCSL and PDHJ)
- Training Program on “International Mechanisms for the Protection of Human Rights” which included a session on business and their impact on human rights (NIHR)

³ Asia Pacific Forum of NHRIs (APF), Danish Institute for Human Rights (DIHR), Raoul Wallenberg Institute (RWI)



2. Promoting public awareness on business and human rights

- Dialogues, conferences and orientation on business and human rights (NIHR, MNHRC, CHRP)
- Creation of multi-stakeholder business and human rights group composed of the NHRI, CSOs, academe, private sector and UN entities order to mobilize the engagement of various stakeholders on multiple fronts, and advocate for the implementation of UNGP-BHR; publication of guidance document on business and human rights; dialogues with affected communities (CHRP)
- Tweets and public awareness messages in social media channels during Covid-19 pandemic; publication of “workers’ rights in light of the Bahraini Labour Law and the international human rights standards,” which is one of the human rights cultural series publications. (NIHR)

3. Promotion of human rights to the business sector

- Events organized with companies with the aim of introducing the business sector to the NHRI’s role in protecting and promoting human rights (NIHR)
- Collaboration with employers’ confederation; discussion on human rights impact assessment and due diligence; training sessions with businesses including mining sector; consultation on the development of national human rights action plan on business and human rights (CHRP)
- Awareness program with printing and tea companies (HRCSL)

4. Investigations concerning business related human rights abuses

- NHRIs have reported having the mandate (NHRC Bangladesh) conducting investigations, inquiries and setting up working groups to look into cases of

alleged human rights violations committed by businesses in the plantation, shipping, mining industries that either displaced or affected particular sectors of communities including indigenous peoples. (NIHR, MNHRC, CHRP, HRCSL).

5. Public inquiries on business and human rights themes

- The NICC Report, a culmination of NHRI Philippines’ landmark inquiry on the human rights issues surrounding climate change, contains legal and social data-qualified by experts – including chronicles of lived experiences of the Filipino people and communities disproportionately affected by climate change. The report demonstrated how to employ human rights-based analysis on issues relating to climate change and business operations, and how NHRIs can be transformative collaborators in the climate change agenda (CHRP).
- A series of public hearings and workshops was done to assess the implementation of Indigenous Peoples’ Rights Act (IPRA) after twenty years of effectivity. The national inquiry, in examining the policy gaps and implementation of IPRA by the different government agencies and instrumentalities, primarily inquired whether “the State duty bearers have gone any further than issuance of a limited number of certificates of titles, in the promotion of indigenous peoples’ rights?” Accordingly, a recommendatory report was produced and distributed to the government agencies who bear the mandate to protect the welfare of indigenous peoples in the country (CHRP).

6. Complaints-handling concerning human rights abuses in the business sector

- Complaints related to right to adequate work (NIHR); fire incidents in the workplace, salary and wages, workplace abuses, child labor in hazardous environments, toxic material pollution of nearby river and landfill (NHRC Bangladesh); mining activities (Philippines); and mining waste and forced labor in fisheries



7. Conciliation / mediation concerning human rights abuses in the business sector

- Dedicated mediation bench (NHRC Bangladesh); non-judicial redress mechanism/mediation and social dialogues on mining cases affecting communities (CHRP); mediation on cases of migrant workers (NIHR).

8. Support to victims of business human rights abuses to remedy mechanisms, e.g. judicial or non-judicial

- Support to victims through alternative dispute resolution mechanism/mediation (NHRC Bangladesh);
- Attending court trials to monitor fair trial guarantees, and communicate with the judicial authorities to activate its oversight role in ensuring that such trials comply with international guarantees and standards of fair trials (NIHR);
- Investigates and monitors processes where communities need to properly understand the factual circumstances of their cases. The communities and vulnerable groups often do not have access to information that are lodged with other government offices and the companies involved. If warranted, the facts gathered are then used to determine the legal measures available under Philippine law and the Rules of Court. Examples of these legal remedies are the Petition for Writ of Amparo and Petition for Habeas Corpus (CHRP);
- Recommends businesses to pay compensation to victims (HRCSL).

9. Including business and human rights in monitoring and reporting to international or regional bodies

- Issuance of policy advisories and recommendations on the Legally Binding Instrument in Regulating, in International Human Rights Law, the Business Activities of Transnational Corporations and other

Business Enterprises. Situation reports on thematic issues such as on indigenous peoples, workers in the informal economy/sector, sweatshop workers, persons with disabilities, youth, farmers, and fisher-folks feed into the reports and concluding observations of international human rights mechanisms like the Universal Periodic Review, ICERD, ICCPR, ICESCR, CEDAW, CAT, CRC, CRPD, and CMW. (CHRP); Submission of report on ICESCR (NIHR)

- Country visit of the Special Rapporteur on slavery focuses on free trade zones, female workers, tea plantation workers (HRCSL).

10. Recommendation to government on business and human rights

- Provide specific recommendations to relevant ministries upon investigation of cases and grievances lodged in the NHRIs (NHRC Bangladesh, MNHRC and ICHR); advice to government related to customer protection especially with telecommunications, electricity and water sectors (ICHR).
- Position papers drafted that are addressed to Congress to include business and human rights related provisions into the Corporation Code of the Philippines; Consultations with government, CSOs and relevant stakeholders in crafting of the Guidelines in the National Monitoring of Human Rights Compliance in the Mining Industry, development of inputs to a National Action Plan on Business and Human Rights, and conduct of seminars and dialogues to educate and popularize the guiding principles on business and human rights (CHRP).
- Recommendations put forward in international fora such as the International Forum on Business and Human Rights in the Kingdom of Bahrain and the First National Conference on Human Rights in Entrepreneurship about (Entrepreneurship as a Human Rights-Based Approach: A Theoretical Analysis of Sustainability and Development) (NIHR).



11. Engaging businesses on philanthropic corporate social responsibility initiatives

- NHRI partner in the UN Global Compact Initiative and receiving private sector funding (as part of social corporate responsibility) to organize events and publish materials related to business and human rights (NIHR).

12. Legal and policy analysis on business and human rights

- Policy advisories and recommendations issued on the draft Legally Binding Instrument in Regulating, in International Human Rights Law, the Business Activities of Transnational Corporations and other Business Enterprises (CHRP).
- Annual report focusing on the protection of the rights of migrant/expatriate workers (NIHR).

13. Engagement with legislators and/or policymakers on the development or reform of business and human rights laws and regulations? (e.g. mandatory human rights due diligence)

- Position papers drafted that are addressed to Congress to include business and human rights related provisions into the Corporation Code of the Philippines; Consultations with government, CSOs and relevant stakeholders in crafting of the Guidelines in the National Monitoring of Human Rights Compliance in the Mining Industry, development of inputs to a National Action Plan on Business and Human Rights, and conduct of seminars and dialogues to educate and popularize the guiding principles on business and human rights (CHRP).
- Creation of a Joint Working Group on the Establishment of a Mechanism for Implementing the Law on Alternative Sanctions, and introductory meeting with Private Sector Entities (NIHR).

14. Academic research on business and human rights

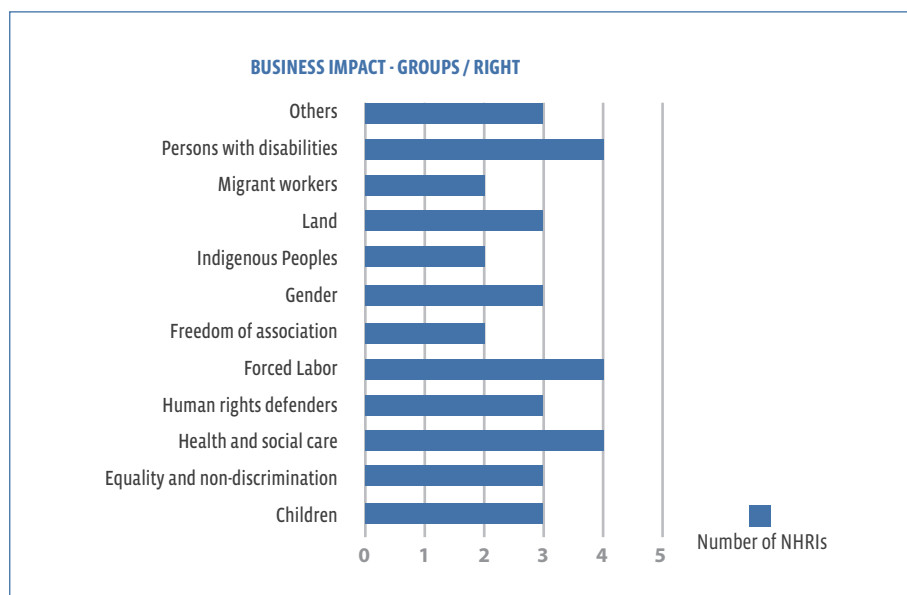
- Human Rights Situation Reports focusing on workers in the economic/processing zones, workers in the informal sector/economy, sweatshop workers, artisanal fisherfolks, indigenous peoples, school-to-work transition, and is currently undertaking activities to document the human rights situation of the disadvantaged, marginalized, and vulnerable sector in the context of business and human rights, and land rights. The information gathered shall be the basis of the Philippine National Baseline Report on Business and Human Rights (CHRP).
- Human Rights Research Fellowship Program that is devoted for individuals willing to conduct independent research on matters relating to civil, political, economic, social and cultural rights, with research proposals such as the responsibility of business owners towards the rights of workers and employees, economic changes and their impact on human rights, information revolution and the right to privacy, climate change and its impact on the enjoyment of human rights, public opinion trends towards the phenomenon of climate change and its impact on human rights (field study - the Kingdom of Bahrain), the right to a fair trial, legal organization of the Paris Convention on Climate Change and the obligations of the Kingdom of Bahrain upon its ratification, right to legal counsel during evidence-gathering and interrogation stage, and the right to a sound and safe environment (NIHR).

15. Industry/sector specific research or case studies

- Planned research in 2023 on livelihood of tea state workers, irregularities by insurance companies, wages deviance in the ready-made garments industry, and loss and damage experienced by Small Medium Enterprises(SMEs) during the Covid-19 pandemic (NHRC Bangladesh).



Business impacts on the human rights of groups / thematic issues



1. Equality and non-discrimination

- Publication of the Guidance Document on Business and Human Rights which provides a foundational guide on how to implement respect for human rights in the Philippine business setting. Consistent with the principle of non-discrimination, the Guidance Document puts forward that the rights and needs of vulnerable or marginalized populations, such as indigenous peoples, must be given due regard in the application of the United Nations Guiding Principles on Business and Human Rights (CHRP).
- Statements issued on the International Day for the Elimination of Racial Discrimination; Seminar on Women's Rights and Equal Pay (NIHR).

2. Health and social care

- In a limited scope, on the impact the private commercial insurance companies on health sector (ICHR)
- Issuance of human rights situation reports on social security for workers in the informal economy/sector, and advisories on the right to health particularly during the pandemic (CHRP).
- Monitoring of incidents of human rights violations through the media including during the COVID-19 pandemic, specifically related to health services; any single event reported in the media, letters are sent to respective government agencies requesting for immediate action (NHRC Bangladesh).
- Awareness raising campaigns on social media during the COVID-19 pandemic, monitoring noon-work ban, and achievements of the country in the field of human rights during international human rights day (NIHR).



3. Human rights defenders

- Impact of telecommunications companies on the privacy of human rights defenders (ICHR).
- Public inquiry on the Current Situation Impacting the Work, Safety, and Security of Human Rights Defenders in the Philippines found that the attacks on the workers' rights are violations of international and domestic laws (CHRP).
- Human rights defenders participated in the International Forum on Business and Human Rights in the Kingdom of Bahrain and in the First National Conference on Human Rights in Entrepreneurship (NIHR).

4. Forced labour / modern slavery / human trafficking

- Monitoring of welfare and housing situation of Indian Tamil minority plantation workers (HRCSL)
- Human rights outreach programs for migrant/foreign workers; Statements released on World Day Against Trafficking in Persons; Dedicated branch in the NHRI, "Expat Protection Centre and Shelter" that receives complaints, under the supervision of the National Committee for Combating Trafficking in Persons (NCCTIPs) under The Labour Market Regulatory Authority (LMRA), a government entity aiming to reform Bahrain's labor market (NIHR).

5. Freedom of association

- Consultations with trade unions, labor organizations, unorganized workers, operating registered enterprises in the economic zones and concerned national government agencies relating to freedom of association and the right to collectively bargain; monitoring human rights violations against workers in the Philippines and Filipino overseas workers, and actively participating in the investigation of cases; collaborating with the International Labour Organisation Office in Manilla on training module for the

internal CHR staff, capacity building activities with the labor sector, trust building dialogues with the labor sector, and strengthening the role of the CHR in the investigative mechanisms relating to violations of workers' civil liberties and trade union rights (CHRP).

6. Gender

- Publication of Guidance Document on Business and Human Rights which provides a foundational guide on how to implement respect for human rights in the Philippine business setting. Premised on the UN Working Group on Business and Human Rights' emphasis that "a gender perspective is always appropriate for all States and businesses in all situations," the Guidance Document underscores that gender is a cross-cutting concern in securing a better future for the people, planet, and prosperity; Series of forums and workshops aimed at monitoring the situation of rural women in the Philippines which focused on issues in the areas of a) Business and Human Rights; b) Reproductive and Care Work; and c) Disaster and Crisis Situations (CHRP).

7. Indigenous peoples

- Mandate as a non-judicial redress mechanism, or a mediator in a dispute over the mining operations of SMI company on the ancestral lands of an indigenous group; monitoring of the Human Rights Situation of Disadvantaged, Marginalized, and Vulnerable Sectors in the Context of Land Rights which includes particular focus on the effects of developmental aggression due to State projects and private sector operations in contested land areas such as ancestral domains (CHRP).

8. Land

- Spearheading an inter-agency working group to monitor the human rights situation in a mining town/island due to threats of forced eviction against



the community, resulting from coal mining; assisting a family to secure a Writ of Amparo with the Court of Appeals while suffering harassment from the owners and security guards of the company with business interests to develop a certain island into a tourist destination; gaining acquittal for a group of farmers who faced criminalization while pursuing claim for tenurial instruments under the Comprehensive Agrarian Reform Program of the government; monitored the human rights situation of affected communities by mining activities; Guided citizens to secure resolution interposing objection to all large-scale, destructive and irresponsible quarrying and/or mining (CHRP).

- Roundtable on the extent of compatibility of urban planning with the right to a healthy and sustainable environment (NIHR).

9. Migrant workers

- Consultation with migrant workers and civil society organizations for the NHRI's submission to the Committee on Migrant Workers, relevant to the

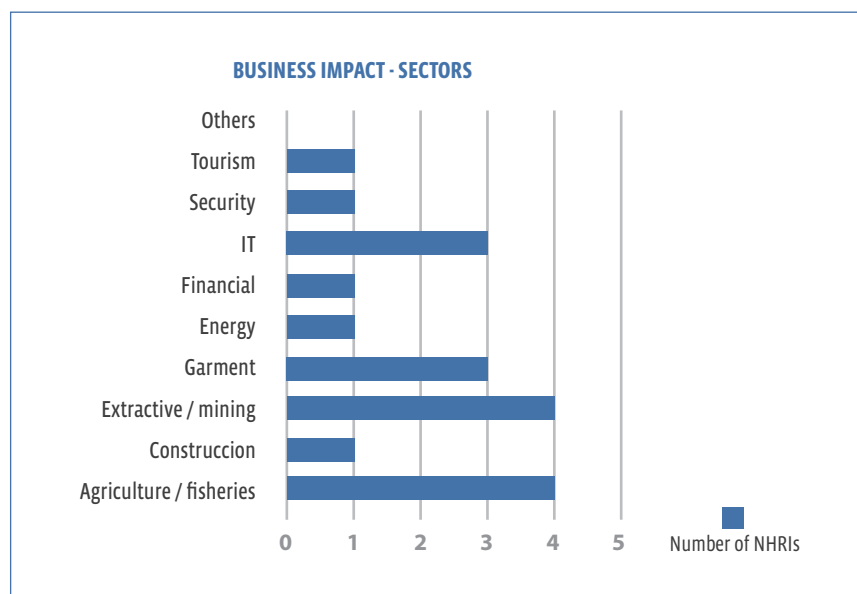
State's periodic report, discussions included hiring practices and operations of recruitment agencies (CHRP).

- "Expat Protection Centre and Shelter" established; discussion organized on the impact of the pandemic on migrant/foreign workers (NIHR).

10. Persons with disabilities

- Quarterly meetings with persons with disabilities, disability rights organizations and relevant government agencies to discuss policies, updates and issuances relating to the sector. Issues raised to Bangko Sentral ng Pilipinas included prohibitive approach by some banks in the application for individual accounts and are only allowed to open joint accounts with someone who is not blind; difficulties in using automated teller machines with no voice simulation and Braille guides (CHRP).

Business impacts - sectors





1. Agriculture and fisheries

- NHRI advised on and forwarded to relevant government ministries a complaint on forced labor in fisheries (MNHRC).
- Monitoring report on artisanal fisherfolk, looking in to impacts of local laws and effects of reclamation projects, degradation of the environment, and the Covid-19 pandemic to their ability to continue their livelihood (CHRP).

2. Extractive/mining

- Mandate as a non-judicial redress mechanism, or a mediator in a dispute over the mining operations of SMI company on the ancestral lands of an indigenous group; monitoring of the Human Rights Situation of Disadvantaged, Marginalized, and Vulnerable Sectors in the Context of Land Rights which includes particular focus on the effects of developmental aggression due to State projects and private sector operations in contested land areas such as ancestral domains (CHRP).
- Spearheading an inter-agency working group to monitor the human rights situation in a mining town/island due to threats of forced eviction against the community, resulting from coal mining; assisting a family to secure a Writ of Amparo with the Court of Appeals while suffering harassment from the owners and security guards of the company with business interests to develop a certain island into a tourist destination; gaining acquittal for a group of farmers who faced criminalization while pursuing claim for tenurial instruments under the Comprehensive Agrarian Reform Program of the government; monitored the human rights situation of affected communities by mining activities; Guided citizens to secure resolution interposing objection to all large-scale, destructive and irresponsible quarrying and/or mining (CHRP).

- Seminar on human rights and the environment with a petrochemical business corporation as a partner (NIHR).

3. Garment industry

- Monitoring of human rights situation of sweatshop workers during COVID-19 pandemic, which included analysis of implementation gaps in labor and occupational safety and health standards (OSHS) inspections (CHRP).
- Monitoring of the situation of workers in the free trade zone (HRCSL).

4. Energy

- Conduct of a series of multi-sector dialogues to address the human rights concerns of the affected communities by a mining and power corporation in an island, ensuring that all stakeholders were represented and heard, an Inter-agency Working Group (IAWG) was created. IAWG found that there are human rights violations committed by the company and the local government, and recommendations were made to settle the human rights issues; collaboration with the private sector that is included in the Multi-Stakeholder Business and Human Rights Group (MSBHRG) created by the NHRI (CHRP).

5. Financial

- ☒ Engaging with a leading bank institution to conduct an online learning session on Business and Human Rights. The objective of the activity aims to incorporate the basic concepts of human rights into the culture of the bank in terms of their service delivery for both internal and external clients (CHRP).



Working on business and human rights topics and methodologies

1. National Action Plans on Business and Human Rights

Only two NHRIs that responded to the survey indicated that they work with their respective governments in the development of national action plans on business and human rights.

2. Human rights due diligence

The CHRP responded extensively about its work on human rights due diligence, as reflected in the previous qualitative responses to the survey questionnaire on working with sectors and thematic concerns related to business and human rights.

Have you / your NHRI worked with business and human rights in any other ways?

At the regional level, MNHRC as a member of the South East Asia NHRI Forum (SEANF), leads Priority 2 of the SEANF strategic plan 2022-2026, “to promote and protect business and human rights.” MNHRC developed the Human Rights Defenders & Guidelines and conducted a baseline assessment survey for SEANF members regarding the implementation of the UNGP on BHR.

CHRP has developed The Semirara Story microsite. It is a site of convergence for civil society organizations (CSO), the academe, government agencies, and other relevant stakeholders who would want to preserve and make available their data and information relating to the situation in Semirara Island. Further, the website also features relevant information that seeks to mainstream the United Nations Guiding Principles on Business and Human Rights, which set a coherent global standard on the expectations for businesses to respect human rights, and for the State to guarantee the protection of these rights through the creation and implementation of pertinent laws that uphold human dignity and provide for effective remedial mechanisms.

Has your NHRI integrated business and human rights into your current strategic plan?

NIHR’s Strategic and Action Plan (2022-2025), which has focused its efforts on four main objectives,

- impact of the Covid-19 pandemic on the national economy and entrepreneurship
- education and the propagation of human rights culture
- achieving equal treatment and gender equality
- enjoyment of the highest attainable standard of health for all

the first objective centers on:

(1) Work on the compatibility of the national economy with economic, social and cultural rights.

(2) Work to enhance awareness of the importance of the entrepreneurship sector and its consistency with human rights principles.

(3) Monitoring the effects of the pandemic on individuals’ enjoyment of their right to work, and ensuring that companies and commercial establishments respect the rights of their employees.

f their right to work, and ensuring that companies and commercial establishments respect the rights of their employees.

MNHRC’s Operational Plan for 2023, includes the drafting of a Business and Human Rights Plan of Action with seminars and workshops on the UNGP on BHR.

The Annual Work and Financial Plans of the CHRP’s ESCR Center include programs and activities involving business and human rights. The upcoming activities in relation to BHR in 2024 include monitoring the situation of disadvantaged, marginalized, and vulnerable sectors in the context of BHR (with a particular focus on State



Owned Businesses, Trade and Investment, Consumer Protection, Labor Rights, Business in Conflict Areas, and Trafficking in Persons), and the continuing mainstreaming of BHR in the country through the MSBHRG and dissemination of the guidance document and pushing for the creation of a National Action Plan on BHR. The CHR is

also currently active in participating in the monthly meetings of the Global Alliance of National Human Rights Institutions (GANHRI) Working Group on Business and Human Rights.

What do your NHRI need to work more on the topic of business and human rights?



Six NHRIs noted that training workshops and e-learning courses are what they need more for them to be able to work on business and human rights. Additional resour-

cing, regular meetings at the national level and development of new guidance and tools are also identified by NHRIs.



4. Responses from European NHRIs

Summary

In Europe, the engagement of National Human Rights Institutions (NHRIs) with the topic of business and human rights varies widely, reflecting the diversity of their mandates. While some NHRIs have explicit and comprehensive mandates to engage with and advise businesses on human rights issues, others may primarily focus on public entities and possess limited capacities for business-related matters. Some NHRIs monitor business conduct only when it involves public services, while a few lack a mandate for business engagement altogether. However, a subset of NHRIs, particularly those with a focus on discrimination and equality, work directly on business and human rights issues, including individual complaint handling with the authority to impose fines. These examples showcase the spectrum of NHRI involvement in the business and human rights agenda, with a shared commitment to accepting individual complaints, providing a vital platform for individuals to seek justice and remedies for human rights violations in various domains.

The structure of National Human Rights Institutions (NHRIs) in relation to business and human rights (BHR) exhibits a range of similarities and differences. Some NHRIs have dedicated units, commissioners, or staff specifically responsible for BHR, including the CNCDH, Office of the Human Rights Defender of Armenia, and Danish Institute for Human Rights. Others, like the Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg and the People's Advocate Office, establish internal working groups to address BHR topics collaboratively. In contrast, some NHRIs, such as Liechtenstein Human Rights Association (LHRA), adopt an interdisciplinary approach depending on the context, emphasizing flexibility. NHRIs also differ significantly in size and available resources, with some having dedicated BHR departments and others considering BHR a lower priority. For instance, the German Institute for Human Rights maintains a substantial team, while the Office of the Public Defender of Georgia designates a single

person for this role. This diversity in NHRI structures highlights the variety of approaches to addressing the multifaceted issue of BHR within the respective contexts of these institutions.

NHRIs in Europe engage in a diverse range of activities related to business and human rights. They actively participate in capacity-building efforts to enhance awareness of human rights norms and frameworks, both within their institutions and throughout their regions. For example, the Office of the Human Rights Defender of Armenia conducted projects supported by the Ministry of Foreign Affairs of Bulgaria to improve staff capacity and raise awareness of consumer rights. Additionally, the Danish Institute for Human Rights collaborates with international entities like the UNGC Accelerator and conducts training sessions with other NHRIs. Several NHRIs engage in research activities and public awareness campaigns, utilizing various mediums such as webinars, training sessions, and publications to promote human rights. For example, the Human Rights Ombudsman of Bosnia and Herzegovina participates in conferences to raise awareness and discuss the role of NHRIs, while the Ombudsman's Office of the Republic of Latvia conducts research and participates in webinars.

NHRIs also have a significant role in promoting human rights in the business sector by engaging with businesses on philanthropic and corporate social responsibility initiatives and through industry-specific research and case studies. The Danish Institute for Human Rights, for example, actively engages with business initiatives and networks like the UN Global Compact, emphasizing their role in promoting human rights in business. Furthermore, many NHRIs handle individual complaints related to human rights abuses in the business sector, including those related to discrimination, consumer protection, and environmental issues. They often support victims through legal aid, amicus curiae briefs, and referrals to relevant authorities. Additionally, some NHRIs make recommendations to the government on business and human rights, contributing to the development and reform of laws and regulations.



NHRIs participate in international and regional monitoring and reporting, provide legal and policy analysis, and engage with legislators and policymakers to shape legislation and promote human rights in the business sector. They play a crucial role in advocating for national and international mandatory due diligence and provide feedback on EU law proposals. Some NHRIs actively engage in academic research on business and human rights, fostering a culture of research within their organizations. While not all NHRIs have the capacity for academic research, their work in various aspects of business and human rights reflects their multifaceted role in promoting and protecting human rights in the context of business activities.

NHRIs in Europe demonstrate a comprehensive and collaborative approach to engaging with various sectors regarding business impacts on human rights. In sectors like agriculture and fisheries, NHRIs recognize the significance of safeguarding human rights within these activities and address a broad spectrum of issues, including labor rights, land rights, and environmental concerns. Their commitment to multi-stakeholder engagement, involving communities, civil society organizations, and government actors, underscores the collective effort to tackle complex human rights challenges. Examples from NHRIs such as the German Institute for Human Rights and the Danish Institute for Human Rights showcase their multifaceted engagement, emphasizing the global recognition of the importance of these sectors.

In contrast, limited engagement was observed in sectors like the garment industry, highlighting potential gaps in NHRI activities in addressing human rights issues. However, when NHRIs do engage in these sectors, they exhibit diverse and comprehensive approaches, reflecting the multifaceted nature of human rights challenges. NHRIs in sectors such as energy and financial industries have shown a growing recognition of their role in human rights, addressing issues like risk assessment, human rights integration, and regulatory frameworks. In the information technology and communications sector, NHRIs advocate for human rights considerations indirectly, offering recommendations to businesses. They

address various issues such as artificial intelligence, online hate speech, and accessibility. Also, NHRIs exhibit adaptability and a willingness to address unique or unconventional areas of business and human rights, demonstrating their versatile role in safeguarding human rights in different domains. Overall, NHRIs in Europe demonstrate a dynamic and evolving role in addressing human rights concerns associated with various sectors, emphasizing the importance of collaboration, adaptation, and comprehensive approaches to ensure human rights are upheld in the business context. Also, NHRIs in Europe exhibit varying degrees of engagement with state actors across specific areas, highlighting their role in promoting human rights in various contexts. The low engagement observed regarding development finance institutions, export credit, free trade, and investment agreements, emphasizes the need for NHRIs to further explore and enhance their role in these areas. Conversely, in public procurement, NHRIs are actively collaborating with state actors to promote human rights principles and standards within the public procurement process. Examples such as the Danish Institute for Human Rights and the Northern Ireland Human Rights Commission show that NHRIs provide valuable guidance, tools, and expertise to ensure human rights considerations are integrated into public procurement policies. Their engagement underscores the potential for NHRIs to contribute to improved accountability and transparency in government procurement activities, aligning them with international human rights standards.

Similarly, in the context of state-owned enterprises and public-private partnerships, NHRIs are making strides by actively collaborating with state actors to address human rights concerns. These examples reveal the multifaceted approaches NHRIs adopt, from fostering cooperation with regulatory commissions to addressing specific project-related human rights implications. Their involvement highlights the importance of NHRIs in promoting greater accountability and transparency in state business operations, ensuring that these activities respect and uphold human rights.



NHRIs in the region are actively engaged in promoting business and human rights, with a particular focus on National Action Plans on Business and Human Rights and Human Rights Due Diligence (HRDD). They play a crucial role in shaping, implementing, and monitoring these national action plans, ensuring that business practices are aligned with human rights standards. Additionally, NHRIs advocate for mandatory HRDD measures, emphasizing the need for businesses to take concrete steps in identifying, preventing, and mitigating potential human rights abuses in their operations. This reflects the growing recognition of HRDD as an essential tool to prevent human rights violations by businesses. Furthermore, NHRIs actively participate in Human Rights Impact Assessments (HRIAs) to assess the human rights impacts of business activities. Their involvement spans broader assessments and specific company-level HRIAs.

Finally, Several NHRIs have identified specific needs to enhance their work on business and human rights. These needs include more training workshops or e-learning courses, regular meetings at the national and regional levels, the development of new guidance and tools, introduction to existing guides, highlighting practical cases, additional resources, and other specific requirements. Additionally, some NHRIs expressed an interest in participating in capacity-building projects aimed at preparing for the proposed EU Corporate Sustainability Due Diligence Directive, potentially involving small grants to support their work in this area.

NHRI-Mandates

The Mandate whether and how to engage on BHR is quite varied. The main NHRI mandate typically is aimed at actions of public entities. Some have a broad mandate to engage on business related human rights impacts and their mandate explicitly includes to engage with or advise business. Some NHRIs reported having the mandate but not the capacities to do so. Some reported having the mandate to supervise business only when they perform public services, and others do not have the mandate to engage with business or on business conduct

at all. The latter may still engage on business related human rights issues by addressing legislators and advising on regulatory matters.

Some have a more explicit BHR mandate on discrimination and equality issues as part of their role as Equality bodies (e.g. discrimination in the work place, discrimination in insurance matters) including through individual complaint handling. This can even include the authority to impose fines.

Several NHRIs have mandates to work on business and human rights. For example, the French National Consultative Commission on Human Rights (CNCDH) has been entrusted with following and evaluating the implementation of the French Business and Human Rights National Action Plan. The Danish Institute for Human Rights advises private actors on human rights. However, the mandate of the Romanian Institute for Human Rights - Commissioner for Human Rights focuses on safeguarding human and civic freedoms, and it primarily works indirectly on business and human rights matters by addressing public entities. These examples illustrate the varying degrees of engagement with the business and human rights agenda among NHRIs.

Accepting individual complaints is a key function of many NHRIs. For instance, the Dutch Institute for Human Rights reviews individual complaints of discrimination in areas like work, school, or as a consumer. The Office of the Public Defender of Georgia addresses complaints related to alleged business-related human rights abuses and discrimination in the business sector. The Romanian Institute for Human Rights - Commissioner for Administration and the Protection of Human Rights examines complaints related to discrimination in the private sector. These NHRIs play a crucial role in providing a platform for individuals to seek justice and remedies for human rights violations.



Engagement with businesses and teams

When it comes to the structure we can find some similarities and differences within different NHRIs. Several NHRIs have designated units, commissioners, or staff members specifically responsible for BHR. These dedicated units or individuals focus on promoting and protecting human rights in the context of business activities.

CNCDH, Office of the Human Rights Defender of Armenia, German Institute for Human Rights, Danish Institute for Human Rights, The Office of the Public Defender of Georgia, The People's Advocate Office, and Human Rights and Equality Institution of Türkiye all have designated staff or units specifically working on BHR.

Some NHRIs, even if they don't have dedicated units, form working groups or internal committees to address BHR issues. These groups include both NHRI members and staff working collaboratively on BHR topics. CNCDH, Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg, and the People's Advocate Office have internal working groups.

Other NHRIs, like Liechtenstein Human Rights Association (LHRA), follow an interdisciplinary approach, collaborating based on the context or project requirements, which allows flexibility and adaptability. A few NHRIs, such as the Northern Ireland Human Rights Commission, are actively engaged in promoting BHR through forums and public procurement initiatives, showcasing an engagement with the broader community and government entities.

NHRIs vary significantly in terms of size and available resources. Some, like the Danish Institute for Human Rights, have dedicated departments with a substantial number of staff members, while others, like LHRA, are much smaller and may not have the capacity for dedicated units. While some NHRIs prioritize BHR, others view it as a lower priority or do not consider it a primary focus. For instance, the Netherlands Institute for Human Rights has worked on BHR in the past but does not currently prioritize it. The number of staff members dedicated to BHR also varies. For example, the German Institute for

Human Rights has a team of around eight researcher/s/policy advisors, while the Office of the Public Defender of Georgia designates one person for this role.

In summary, the comparative analysis highlights that NHRIs approach BHR in diverse ways based on their size, resources, priorities, and internal structures. Some prioritize BHR and have dedicated units, while others engage in a more interdisciplinary manner. The presence of working groups and focal points is common, but their composition and scope may vary. Overall, these variations reflect the unique approaches of each NHRI to address the critical issue of business and human rights within their respective contexts.

NHRI activities

1. Internal and external capacity building on business and human rights norms and frameworks

Several NHRIs have been actively engaged in capacity-building activities, both internally and externally. This involves training and educational efforts to enhance understanding and awareness of business and human rights norms and frameworks. These activities are geared toward strengthening NHRI staff and promoting BHR principles within their respective regions.

For example, the Office of the Human Rights Defender of Armenia implemented a project supported by the Ministry of Foreign Affairs of the Republic of Bulgaria to enhance the administrative capacity of its staff, develop reports, and raise awareness on consumer rights. The Danish Institute for Human Rights conducts capacity-building activities, including collaborations with international entities like the UNGC Accelerator and training sessions with other NHRIs. The Office of the Public Defender of Georgia has participated in various training courses, conferences, and forums related to business and human rights to enhance knowledge and expertise.



Many NHRIs have actively participated in international forums, conferences, and events related to business and human rights. This reflects their commitment to engaging with the broader international community on this topic.

For example, the Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg participates in international forums such as the UN Forum and OECD NCP sessions. The Office of the Public Defender of Georgia and The Ombudsman's Office of the Republic of Latvia have participated in conferences and forums to share experiences and insights.

Some NHRIs engage in research activities related to business and human rights. They also contribute to raising awareness through various means such as webinars, training sessions, and publications. For example, the Human Rights Ombudsman of Bosnia and Herzegovina participates in annual conferences, discusses the role and influence of NHRIs, and raises awareness about the Paris Principles and the Universal Declaration of Human Rights. The Ombudsman's Office of the Republic of Latvia conducts research on business and human rights and participates in different webinars.

Finally, many NHRIs collaborate with international organizations, entities, and networks to promote responsible business conduct. The Danish Institute for Human Rights collaborates with other NHRIs, including Uganda Human Rights Commission and Tanzania's Commission on Human Rights and Good Governance. The Institution of Human Rights Ombudsperson of Bosnia and Herzegovina engages in partnerships during conferences and meetings.

2. Promoting public awareness on business and human rights

NHRIs promote public awareness of business and human rights in a number of different ways including through statements including Bosnia and Herzegovina, France and Georgia; opinions on legislation (Luxembourg); information campaigns (Poland) and providing the

secretariat for a Forum on business and human rights (Northern Ireland).

Several NHRIs have undertaken activities related to the publication and dissemination of opinions, statements, and other documents that promote public awareness about business and human rights. These materials often contribute to informing the public about BHR-related issues. The Commission nationale consultative des droits de l'homme publishes opinions and statements on BHR to raise awareness. The Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg has published opinions on draft legislation, reports, and position papers, along with organizing press conferences and public speeches. The Commissioner for Human Rights in Poland conducted an information campaign on consumers' rights in the banking sector in collaboration with other entities.

Some NHRIs produce guidelines and educational materials to inform the public about specific aspects of business and human rights. The Office of the Human Rights Defender of Armenia published a guideline on consumers' rights and responsibilities when purchasing non-food products.

Several NHRIs have engaged in campaigns and initiatives aimed at promoting public awareness and understanding of business and human rights issues. These campaigns can cover a wide range of topics, from labor rights to advertising regulations and child rights. The Institution of Human Rights Ombudsmen of Bosnia and Herzegovina ran a campaign about labor rights, especially focusing on women during paternity leave and women in small and rural settlements. The Institution of Human Rights Ombudsperson of Bosnia and Herzegovina participated in initiatives against the advertisement of casinos on public transportation vehicles regarding the rights of the child.

NHRIs often leverage online platforms and social media to disseminate information, publications, and related activities to a wider audience, contributing to the promotion of public awareness. The Danish Institute for Human



3. Promotion of human rights to the business sector

Several NHRIs are actively involved in engaging with the business sector, including business initiatives and networks, to promote human rights. This engagement can take the form of collaboration with business organizations, participation in networks, and analysis of company communications related to human rights. For example, the Danish Institute for Human Rights is actively engaged with business initiatives and networks like the UN Global Compact, Nordic Business Network, ETI, GBI, and GNI. Belgium (Unia) has cooperation agreements with ten employer's organizations and conducts monitoring initiatives in collaboration with these organizations.

Many NHRIs conduct awareness-raising activities for the business sector, including training sessions, workshops, and campaigns aimed at promoting human rights and equality standards. These activities are designed to inform businesses about their responsibilities and obligations regarding human rights. For example the Office of the Public Defender of Georgia conducts training sessions for different groups, including the business sector, on human rights and equality standards. The Commissioner for Human Rights in Poland addresses the Polish Bank Association and disseminates information material to inform businesses about the rights of pregnant women and new mothers.

Some NHRIs publish reports and opinions that promote human rights and human rights standards to the business sector. These materials often contain recommendations and guidance for businesses. For example, the Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg publishes opinions on draft legislation, reports, and position papers, which aim to promote business and human rights awareness. The Institution of Human Rights Ombudsmen of Bosnia and Herzegovina published a Special Report on the Efficiency of Legal Solutions on Vocational Rehabilitation and Employment of Persons with Disabilities in Bosnia and Herzegovina.

Some NHRIs collaborate with business organizations, such as employers' organizations, to work on specific campaigns or initiatives related to human rights promotion. For example, the Commissioner for Administration and the Protection of Human Rights in Cyprus collaborated with public hospitals, health centers, labor unions, and employers' organizations to launch a campaign regarding the rights of pregnant women and new mothers.

4. Investigations concerning business related human rights abuses

Most NHRIs who responded to the questionnaire have not carried out investigations concerning business and human rights. A number of NHRIs have been involved in cases around discrimination including (Latvia, Cyprus and Bosnia Herzegovina and Denmark) The Polish NHRI has been involved with environmental protection cases and an investigation concerning freedom of the press.

Some NHRIs are involved in investigating complaints related to business-related human rights abuses. These investigations often pertain to a range of human rights issues, including economic, social, and cultural rights, discrimination, environmental protection, and consumer protection. For example, the Institution of Human Rights Ombudsman/Ombudsmen of Bosnia and Herzegovina conducts investigations into individual complaints in the areas of Economic, Social, and Cultural Rights and the Department of Elimination of all Forms of Discrimination. The Commissioner for Human Rights in Poland investigates cases related to environmental protection and consumer protection. They have also examined complaints in private companies concerning issues like sexual harassment and age discrimination.

Some NHRIs focus on promoting human rights to prevent discrimination. They engage in activities such as raising awareness, providing notifications about rights and obligations, and offering advice and consultations during procedures. They also work with civil society organizations to protect the rights of vulnerable groups. For example, the Human Rights Ombudsman of Bosnia and Herze-



5. Public inquiries on business and human rights themes

Of the NHRIs that responded none have been involved in public inquiries on business and human rights.

6. Complaints handling concerning human rights abuses in the business sector

The majority of NHRIs did not respond to this question however a number have been involved in specific cases brought to them by individuals, this includes by employees concerning discrimination in the workplace. These include Turkey, Lichtenstein and Romania.

Several NHRIs actively handle individual complaints related to human rights abuses in the business sector. These complaints can cover a wide range of issues, including discrimination, equal treatment, and other human rights violations linked to business activities. For example, the Office of the Human Rights Defender of Armenia discusses and resolves complaints, collaborating with relevant state bodies to address individual issues. They provide a success story as an example of their work.

Many NHRIs function as Equality Bodies and handle complaints about discrimination. These complaints can pertain to various aspects of discrimination, such as gender, age, and disability, and can involve business entities as well. For example, the Netherlands Institute for Human Rights is mandated to handle individual complaints, including those related to discrimination involving companies. They address complaints based on the Dutch Equal Treatment Law. Unia (Belgium), as an equality body, handles applications related to the violation of the prohibition of discrimination, covering various areas, including employment processes, job advertisements, and workplace mobbing.

Specific Cases and Issues:

- **Equal Treatment in Insurance:** The Danish Institute for Human Rights has assisted women who were denied compensation from insurance companies for injuries incurred during childbirth, which violated their right to equal treatment based on gender/sex.

- **Consumer Complaints and Environmental Protection:** The Commissioner for Human Rights in Poland handles complaints concerning business and human rights (BHR). They have examined complaints related to environmental protection cases, such as contamination of land, and consumer protection cases, including issues related to the banking sector and fuel prices.
- **Business-Related Discrimination:** The Human Rights Ombudsman of Bosnia and Herzegovina and the Human Rights Ombudsman/Ombudsmen of Bosnia and Herzegovina receive individual and group complaints regarding discrimination, providing notifications about rights and obligations to those who file complaints. They also work on promoting policies and practices aimed at ensuring equal treatment.

7. Conciliation / mediation concerning human rights abuses in the business sector

The majority of NHRIs did not respond to this question however responses included France who provide free legal aid to the victims of human rights violations; Denmark who can counsel claimants in the process of mediation through other mechanisms.

Georgia can mediate in cases of discrimination and try to settle the case.

Several NHRIs, do not directly engage in mediation but provide counseling and guidance to claimants involved in the mediation process through other mechanisms. For example, the Danish Institute for Human Rights offers advice to individuals engaged in mediation processes related to human rights abuses involving businesses.



Some NHRIs refer to the legal frameworks within which they operate, which allow them to invite victims of discrimination and alleged discriminators for conciliation and mutual agreement. For example, the Office of the Public Defender of Georgia refers to the Law of Georgia on the Elimination of all Forms of Discrimination, which empowers the Public Defender to invite parties involved in discrimination cases for conciliation or mutual agreement.

On its side the Commissioner for Human Rights in Poland mentions meetings with Centralny Port Komunikacyjny Ltd, a state-owned company established for building a communication hub. These meetings could be related to potential conciliation or discussions regarding human rights issues.

Equality bodies, like The Ombudsman's Office of the Republic of Latvia, may provide mediation services specifically in cases of discrimination. These bodies often play a key role in mediating disputes related to equal treatment and discrimination.

8. Support to victims of business human rights abuses to remedy mechanisms, e.g. judicial or non-judicial

Most NHRIs did not respond to this question however a number mentioned being able to support individual cases including around discrimination.

Among the examples provided in terms of remedy mechanisms in Europe we can identify:

- **Legal Aid and Referral:** Several NHRIs provide free legal aid to victims of human rights violations. They also refer these victims to the appropriate state bodies or private organizations for further assistance or legal remedies. For example, the Office of the Human Rights Defender of Armenia offers free legal aid and refers victims to relevant authorities. The Institution of Human Rights Ombudsman/Ombudsmen of Bosnia and Herzegovina supports victims through individual complaints, and the Commissioner

for Administration and the Protection of Human Rights provides non-judicial victim support.

- **Amicus Curiae Briefs:** The Office of the Public Defender of Georgia provides support to victims by presenting Amicus Curiae briefs before courts. These briefs offer expertise or information to assist in the resolution of legal cases. For example, in 2022, the Public Defender of Georgia filed an Amicus Curiae brief before Tbilisi City Court in a lawsuit related to air pollution. This is an example of how they support victims through legal proceedings.
- **Referral to Relevant Authorities:** Some NHRIs, like the The Ombudsman's Office of the Republic of Latvia, refer victims both to the police for investigation and to non-governmental organizations (NGOs) that provide social rehabilitation in cases of human trafficking.
- **Discrimination Cases:** NHRIs often support victims of discrimination, especially when the private sector is involved. Discrimination cases, especially related to gender or other forms of discrimination, are a common focus for assistance and support. For example, the Danish Institute for Human Rights assisted women who were denied compensation from insurance companies due to injuries incurred during childbirth, which constituted a violation of their right to equal treatment based on gender/sex.

9. Including business and human rights in monitoring and reporting to international or regional bodies

Of the few NHRIs that responded to this question responses included reporting to the European Social Committee (Belgium), national Parliament (Poland) UN Treaty Bodies (Denmark)

- **Comments to International and Regional Bodies:** Some NHRIs, such as the Commission nationale consultative des droits de l'homme (CNCDH), include business and human rights in the comments they provide to their country's Ministry of Foreign Affairs



(MFA) regarding its reports to international and regional bodies. This exercise supports the monitoring of the implementation of recommendations made by these international or regional bodies. The CNCDH also intends to engage more in addressing letters from special procedures to businesses in the future.

- Annual Reports: The Office of the Human Rights Defender of Armenia incorporates business and human rights issues into its annual reports. Monitoring results, observations, and recommendations related to business and human rights are typically presented within these reports. This contributes to ongoing scrutiny and awareness of these issues.
- Enhancing Policy Coherence: The Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg emphasizes the inclusion of business and human rights in monitoring and reporting activities to improve policy coherence and raise awareness among various government bodies. The NHRI's concerns and recommendations related to business and human rights have been reiterated in international reports, such as the GRETA report. The NHRI has also engaged with international entities like the UN Working Group on Business and Human Rights (UNWG) and submitted written contributions to the OECD National Contact Point (NCP) Peer Review.
- Collaborative Recommendations: The Danish Institute for Human Rights collaborates across departments to develop recommendations on business and human rights for various treaty body reporting mechanisms, including the Universal Periodic Review (UPR) and the Committee on Economic, Social and Cultural Rights (CESCR). This collaborative approach ensures that business and human rights issues are integrated into the NHRI's broader human rights reporting.
- Membership in Working Groups: Some NHRIs, like the Northern Ireland Human Rights Commission, are members of international bodies such as the European Network of National Human Rights Institutions (ENNHRI) and the Global Alliance of National

Human Rights Institutions (GANHRI) Business Working Groups. Being part of these working groups allows them to engage with business and human rights issues more effectively.

10. Recommendation to government on business and human rights

The majority of NHRIs responded to this question and ways in which they make recommendations to government include making recommendations on legislation and responding to policy consultations including the Netherland, Denmark, Northern Ireland.

Some examples:

- Regular Recommendations: NHRIs, such as the Commission nationale consultative des droits de l'homme, have a practice of making regular recommendations to the government on various topics related to business and human rights. These recommendations are made on diverse issues, including work during the COVID-19 pandemic, human trafficking, consultations during France's candidacy to the 8.7 Alliance, and the UN treaty on business and human rights.
- Inclusion in Annual Reports: NHRIs, like the Office of the Human Rights Defender of Armenia, systematically analyze systemic issues regarding human rights violations and provide relevant recommendations to the government. This information, including business and human rights issues, is presented in their annual reports, ensuring that these recommendations are transparently communicated.
- Participation in Working Groups and Engagement with International Bodies: NHRIs, such as the Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg, actively participate in intergovernmental working groups, providing feedback and recommendations for the drafting and implementation of National Action Plans (NAPs). They also engage with international entities like the OECD



National Contact Point (NCP) to exchange views and recommendations.

- **Legislative Advice:** Some NHRIs, like the Danish Institute for Human Rights, provide recommendations to the government by issuing advice on proposed laws. They actively engage in the legislative process and provide expert opinions on legislative amendments, both at the national and EU levels.
- **Evaluation of National Plans:** The Office of the Public Defender of Georgia evaluated the implementation of the National Human Rights Action Plan, including the specific chapter on business and human rights. The findings were communicated to the Prime Minister. This evaluation contributes to policy assessment and improvement.
- **Addressing Specific Issues:** NHRIs, such as the Commissioner for Human Rights in Poland, report to government authorities on specific business and human rights issues, such as light pollution and regulating harmful factors emitted by building materials. These reports help address and correct specific human rights violations.
- **Engagement with the Northern Ireland Executive:** The Northern Ireland Human Rights Commission has worked with the Northern Ireland Executive to develop their public procurement policy, promoting human rights in the context of government operations.

11. Engaging businesses on philanthropic corporate social responsibility initiatives

Only Denmark and Northern Ireland responded to this question. Denmark covers this issue as part of general engagement for example when conducting human rights impact assessments with companies. Northern Ireland engages businesses on the issue through the Northern Ireland Business and Human Rights Forum.

12. Legal and policy analysis on business and human rights

A number of NHRIs responded positively to this question. Analysis on business and human rights is carried out by NHRIs in a number of ways. France and Denmark have provided opinions on EU directives; Armenia through reports and statements; the Netherlands has carried out a national baseline assessment that the Dutch government uses to promote business and human rights.

Some examples:

- **Regular Policy and Legal Analysis:** NHRIs, such as the Commission nationale consultative des droits de l'homme, engage in ongoing policy and legal analysis on business and human rights issues. They issue opinions, reports, and statements on various topics. For example, they've analyzed agreements like CETA and the international legally binding instrument for regulating business activities, making recommendations on human rights concerns.
- **National Baseline Assessments:** Some NHRIs, like the Netherlands Institute for Human Rights, perform national baseline assessments to evaluate the instruments and mechanisms employed by their governments to promote business and human rights. This type of assessment helps in understanding the existing framework and identifying gaps.
- **EU Policy Analysis:** NHRIs, like the Danish Institute for Human Rights, provide in-depth analysis of policy and regulatory initiatives, particularly in the context of EU developments. They produce publications that explain various EU business and human rights initiatives and their interactions with one another, ensuring a comprehensive understanding.
- **Collaboration with Other Entities:** Some NHRIs collaborate with other organizations and entities. For instance, the Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg analyzes laws and policies in their opinions and reports and



.engages with international bodies like the OECD and UN Working Group on Business and Human Rights.

- National and International Advocacy: NHRIs use their findings to advocate for changes at the national and international levels. They raise awareness of business and human rights issues through publications and statements, making the public and policymakers aware of the key concerns.
- Addressing Linguistic Challenges: The Ombudsman's Office of the Republic of Latvia has been addressing linguistic challenges by working with other state agencies to establish uniform translations for terms like "due diligence" in the Latvian language, ensuring clarity in communication and legislation.

13. Engagement with legislators and/or policymakers on the development or reform of business and human rights laws and regulations

A number of NHRIs have engaged with legislators on this issue including Armenia, Denmark and Northern Ireland. This has been done in writing and through meetings.

Some examples:

- Submission of Written Opinions: NHRIs, such as the Office of the Human Rights Defender of Armenia, submit written opinions on draft normative legal acts related to human rights and freedoms. This input ensures that the rights and responsibilities of businesses align with human rights principles.
- Advocacy for National Mandatory Due Diligence: The Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg actively advocates for national mandatory human rights due diligence. They encourage the government to proactively engage on European and international levels, emphasizing the importance of a multifaceted approach to address business and human rights issues.
- Regular Engagement with Ministries: The Danish Institute for Human Rights holds regular meetings with relevant ministries in Denmark, including the Ministry of Business and the Danish Business Authority. These engagements focus on various ongoing EU files related to mandatory human rights due diligence. The NHRI plays a pivotal role in providing insights and recommendations on these issues.
- Contributions to Legislative Proposals: The Commissioner for Human Rights is actively involved in actions related to the inclusion of noise nuisances as an evaluation factor in the procedure for organizing mass events. Such actions influence the legislative framework and ensure human rights are considered in decision-making.
- EU Law Proposal Feedback: The Norwegian NHRI has submitted feedback on EU law proposals related to sustainable corporate governance. They play a role in shaping EU-level legislation on business and human rights.
- Policy Recommendations: The Human Rights and Equality Institution of Türkiye has contributed to the development of "National Guiding Principles on Working Life" within the National Action Plan for Human Rights, providing recommendations for policy development.
- Consultation Participation: The Federal Human Rights Institute participates in the government's consultation process on the National Action Plan. This involvement ensures that the NHRI's insights and expertise are considered in shaping the national approach to business and human rights.



14. Academic research on business and human rights

Only a small number of NHRIs responded to this question and responses cited examples of research and that staff had undertaken research in a personal capacity.

Some examples include the Danish Institute for Human Rights where members of the research department have focused on business and human rights issues, and some staff from the Business and Human Rights (BHR) department have conducted academic research in their personal capacity. The institution acknowledges the importance of academic research and encourages its staff to contribute to this field. Unia (Belgium) is also involved in academic research related to business and human rights, specifically

in socio-economic monitoring and the diversity barometer. They have provided links to publicly available documents, showcasing their research work. This transparency enhances the accessibility of their research findings.

15. Industry/sector specific research or case studies

Only three NHRIs responded to this question and areas of research included fashion, tech and compliance with the UN Guiding Principles.

16. Other (please specify)

No responses to this question.

Business impacts on the human rights of groups / thematic issues

1. Children

In recent years, a number of National Human Rights Institutions (NHRIs) have demonstrated a recurring commitment to addressing business impacts on the rights of children. These institutions, including the Commission nationale consultative des droits de l'homme and the Office of the Human Rights Defender of Armenia, have actively acknowledged the significance of this issue, emphasizing the interconnectedness of business and human rights in relation to children's welfare. Moreover, various NHRIs, such as the Danish Institute for Human Rights, have established structured collaborations with organizations like UNICEF, highlighting their long-term commitment to researching and mitigating business impacts on children's rights. These efforts reflect a consistent pattern among NHRIs in recognizing the importance of safeguarding children's rights in the context of business operations.

Specific examples of these endeavors are evident in the activities of NHRIs like the Human Rights Ombudsman of Bosnia and Herzegovina, who have published special

reports addressing the situations of children in conflict with the law, child allowances, and the prohibition of physical punishment of children. Similarly, the Ombudsman's Office of the Republic of Latvia has intervened in a discrimination case, actively facilitating informative campaigns by mobile network operators to protect children from harmful content. These initiatives reflect the practical measures taken by NHRIs to understand, assess, and address business impacts on children's rights, ensuring a safer and more rights-centric environment for the youngest members of society.

2. Equality and non-discrimination

Several National Human Rights Institutions (NHRIs) have actively engaged in addressing business impacts on equality and non-discrimination, underscoring the pivotal role of businesses in shaping a more inclusive and just society. The Commission nationale consultative des droits de l'homme and the Office of the Human Rights Defender of Armenia have consistently acknowledged the importance of promoting non-discrimination through various means, reflecting a shared commitment to combatting



discrimination in the context of business activities. Additionally, NHRIs like the Netherlands Institute for Human Rights have been particularly proactive in reviewing discrimination complaints, assessing whether discrimination has occurred, thereby playing a vital role in upholding equal treatment principles. This pattern of recognizing business impacts on equality and non-discrimination underscores the NHRIs' collective efforts to ensure that businesses do not contribute to discriminatory practices and violations of equal rights.

These overarching efforts are complemented by a range of specific actions taken by NHRIs, such as the Danish Institute for Human Rights. They have contributed to discussions on equal representation in company boards, actively addressing underrepresentation. Similarly, the Romanian Institute for Human Rights has investigated possible age discrimination in employment within an educational institution, reflecting the institution's commitment to fighting discriminatory practices in the business sector. These activities reflect the multifaceted approaches adopted by NHRIs to combat discrimination in the business sphere, contributing to more inclusive societies and highlighting the significant role of these institutions in promoting equality and non-discrimination.

3. Health and social care

Several National Human Rights Institutions (NHRIs) have demonstrated their commitment to addressing business impacts on health and social care rights, highlighting the pivotal role of businesses in ensuring access to quality healthcare and social services. The Commission nationale consultative des droits de l'homme's 2020 Opinion on public health and international cooperation in the context of Covid-19 stands as a significant example, showing NHRIs' active involvement in addressing health-related business impacts in times of public health crises. Additionally, the Danish Institute for Human Rights has undertaken essential work on public procurement, including case studies on rubber gloves, addressing human rights challenges related to forced labor in the rubber supply chain. These instances exemplify NHRIs' role in engaging

with business impacts on health and social care, ensuring that business activities do not compromise individuals' access to these essential services.

These overarching efforts are complemented by a range of specific actions taken by NHRIs. The Romanian Institute for Human Rights has been involved in investigating potential health and social care-related issues resulting from business activities. An example is an investigation concerning health hazards caused by the activities of an arms and chemical industry complex in Bydgoszcz. This investigation underscores the NHRI's commitment to identifying and addressing risks to public health and social care rights arising from business operations. Such actions are essential to safeguarding the well-being and rights of the population. Similarly, the Human Rights Ombudsman of Bosnia and Herzegovina has published special reports on the rights of persons with intellectual and mental disabilities and the challenges faced by centers/services for social work in the country. These activities exemplify the dedication of NHRIs to address business impacts on health and social care rights and ensure the well-being of vulnerable populations.

4. Human rights defenders

National Human Rights Institutions (NHRIs) have increasingly recognized the significance of addressing business impacts on the human rights of human rights defenders in recent years. The responses indicate a commitment to understanding and addressing the challenges faced by human rights defenders in the context of business operations. Such actions are essential for safeguarding the critical role played by these defenders in upholding human rights.

For example, the Commission nationale consultative des droits de l'homme is engaged in consultations with civil society organizations in the context of the Total/Uganda case, focusing on the protection of human rights defenders. These activities are part of a broader business and human rights report set to be adopted in June 2023. Similarly, the Institution of Human Rights



Ombudsman/Ombudsmen of Bosnia and Herzegovina contributes to the creation of guidelines for managing cases of human rights violations against women who are human rights defenders. These initiatives demonstrate the commitment of NHRIs to address the challenges and risks faced by human rights defenders in their interactions with businesses and other stakeholders.

5. Forced labour / modern slavery / human trafficking

National Human Rights Institutions (NHRIs) have been actively engaged in addressing business impacts on the human rights of individuals subjected to forced labor, modern slavery, and human trafficking over the past five years. The responses demonstrate a clear recognition of the importance of countering these grave violations and highlight the role that NHRIs play in this critical domain.

For example, the Commission nationale consultative des droits de l'homme (France) has regularly incorporated business impacts on human trafficking in its opinions. Notably, their 2020 opinion on trafficking in human beings for economic exploitation underscores the connection between business operations and human trafficking. Similarly, the Office of the Human Rights Defender of Armenia prepared awareness-raising videos on labor rights issues to combat forced labor and ensure the protection of workers' rights. These actions indicate the dedication of NHRIs to raising awareness and providing resources to prevent and address forced labor and human trafficking.

Furthermore, the Danish Institute for Human Rights mentions a specific project with the United Nations aimed at combatting forced labor and human trafficking in supply chains. This reflects the active involvement of NHRIs in international efforts to address these human rights abuses. Moreover, the Commissioner for Human Rights in Poland details an investigation into a case of an illegal migrant worker who was abandoned by his employer, demonstrating a focus on individual cases to ensure justice and protection for victims. These actions collectively emphasize the vital role NHRIs play in addressing

forced labor, modern slavery, and human trafficking concerning business operations and supply chains.

6. Freedom of association

National Human Rights Institutions (NHRIs) across various countries have engaged in addressing business impacts on freedom of association over the past five years. While the responses are concise, they collectively demonstrate NHRIs' commitment to safeguarding the rights of individuals and groups to form associations and unions without interference.

NHRIs such as German Institute for Human Rights have been actively involved in activities related to business impacts on freedom of association. Similarly, the Danish Institute for Human Rights notes that they cover the topic in their training programs. This acknowledgment showcases the importance of education and raising awareness about freedom of association, possibly targeting businesses and organizations to ensure they respect this fundamental right. Furthermore, Poland's Commissioner for Human Rights highlights their investigation into the exclusion of a group of employees from joining a trade union, reflecting a specific action taken to address business-related infringements on freedom of association.

7. Gender

National Human Rights Institutions (NHRIs) in various countries have been actively working to address business impacts on gender-related human rights over the past five years. The responses highlight NHRIs' dedication to promoting and safeguarding gender equality, both in their own countries and through international collaborations.

France's Commission nationale consultative des droits de l'homme have actively integrated business and human rights (BHR) issues into their contribution to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This indicates their commitment to addressing the intersections between gender rights and business impacts. Similarly, Luxembourg's Commission



consultative des Droits de l'Homme refers to their work, demonstrating their focus on BHR issues related to gender rights. Further, the Netherlands Institute for Human Rights has an established program dedicated to gender equality, aiming to increase the number of women in managerial positions, demonstrating their direct involvement in promoting gender rights through various strategies.

The Danish Institute for Human Rights has worked extensively on gender-related BHR issues, including producing consultation memos on equal representation in company boards and collaborating with the UN on a gender-responsive procurement project. In contrast, Liechtenstein's Verein für Menschenrechte focuses on areas such as work-life balance and equal payment, reflecting their engagement in gender-related human rights issues. These examples showcase the comprehensive approaches adopted by NHRIs to address business impacts on gender rights and the various strategies they employ, ranging from advocacy and policy development to international collaborations, to ensure gender equality is respected and upheld.

8. Indigenous peoples

In response to the question regarding business impacts on the rights of indigenous peoples, NHRIs have displayed varying degrees of engagement. Four NHRIs have actively worked in this domain, illustrating a substantial commitment to address business impacts on indigenous rights.

France's Commission nationale consultative des droits de l'homme, for example, has conducted a study on human rights in overseas France (Outre-mer), examining the impact of business activities. The study is publicly available, providing insights into their efforts. Germany's German Institute for Human Rights has also taken up this issue, indicating their engagement in addressing business impacts on indigenous peoples' rights. Denmark's Danish Institute for Human Rights has demonstrated a strong commitment by developing operational guidance on ensuring due diligence when operating in areas that may affect indigenous peoples as part of the Indigenous Navigator project. Finally, Poland's Commissioner for

Human Rights have actively investigated business activities that may impact indigenous communities, showcasing a commitment to addressing these issues.

9. Land

When examining the responses of National Human Rights Institutions (NHRIs) to questions about business impacts on land rights, it is evident that a mixed level of engagement is reported. Several NHRIs, such as Luxembourg's Commission consultative des Droits de l'Homme and the German Institute for Human Rights, have signaled their involvement in addressing business impacts on land rights. However, a significant number of NHRIs have not provided specific examples, which may imply either limited engagement or a lack of direct activities related to business impacts on land rights. Also, the Danish Institute for Human Rights have undertaken international work on renewable energy, focusing on land rights issues. Their reference to the "Human Rights 4 Land" tool suggests a concerted effort to address land rights issues in the context of business activities.

10. Migrant workers

In analyzing the responses of various National Human Rights Institutions (NHRIs) to questions about their engagement with business impacts on the human rights of migrant workers, several trends emerge. While not all NHRIs provided specific examples, many acknowledged their active involvement in addressing this issue. These institutions are increasingly aware of the significance of protecting the rights of migrant workers within the context of business activities. Common trends include a focus on raising awareness, conducting investigations, providing recommendations for improved working conditions, and advocating for migrant workers' rights. The examples demonstrate that NHRIs use diverse strategies, such as publishing reports, training, and stakeholder dialogues, to promote the rights and well-being of migrant workers in the face of business-related challenges.



Some examples:

- Germany's German Institute for Human Rights: They actively published a news item highlighting the situation of migrant workers during the FIFA World Cup in Qatar, emphasizing the importance of drawing attention to this issue on a global scale.
- Danish Institute for Human Rights: Their involvement in addressing migrant workers' rights during the FIFA World Cup in Qatar showcases the international dimension of their work. Their focus on gender-responsive procurement with the UN further exemplifies their commitment to gender equality in this context.
- Poland's Commissioner for Human Rights: Their investigation into the working conditions of migrants employed in a digital food delivery platform illustrates their dedication to ensuring fair and just working conditions for these individuals.
- Cyprus's Commissioner for Administration and the Protection of Human Rights: Their interventions and recommendations concerning the regulation of private employment agencies and colleges emphasize their commitment to improving the education and employment of third-country nationals.
- Liechtenstein's Verein für Menschenrechte (VMR) / Liechtenstein Human Rights Association (LHRA): Their work on enhancing the work conditions of care migrants highlights a specific and crucial aspect of migrant labor rights that they actively address.

11. Persons with disabilities

In examining the responses of National Human Rights Institutions (NHRIs) regarding their engagement with business impacts on the human rights of persons with disabilities, several commonalities and approaches become apparent. First, a majority of NHRIs indicated that they are actively involved in addressing this issue, reflecting a global recognition of the importance of safeguarding the rights of persons with disabilities within the

context of business activities. Secondly, these institutions exhibit a commitment to research, investigations, and advocacy to enhance the accessibility and inclusivity of services provided by private companies. Thirdly, the examples provided indicate that NHRIs focus on a wide range of aspects affecting persons with disabilities, such as accessibility to transportation, education, employment, and essential services. The data reveals that NHRIs are employing a comprehensive approach to address the multifaceted challenges faced by this group in the business sphere.

Some examples:

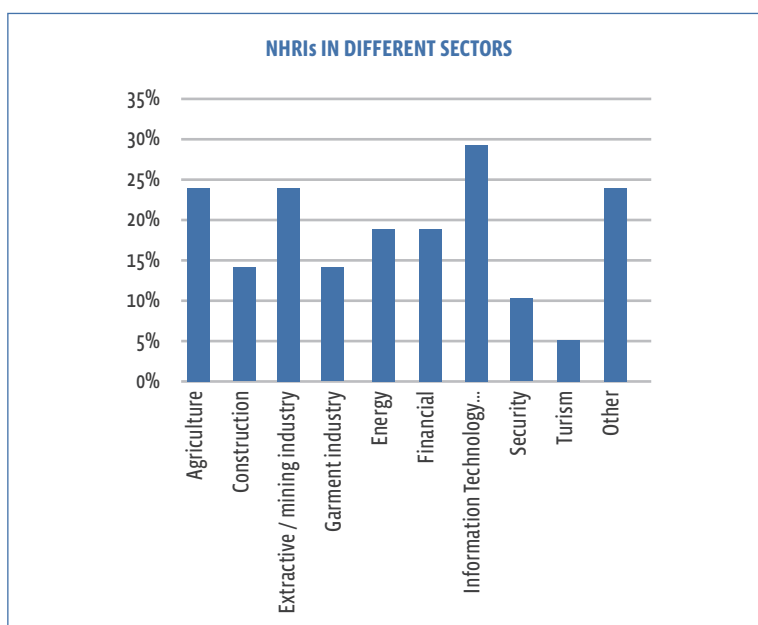
- Denmark's Danish Institute for Human Rights: Their research on the accessibility of buses for persons with disabilities contributes to improving public transportation systems' inclusivity, a vital aspect of ensuring mobility for this group.
- Poland's Commissioner for Human Rights: They have taken actions to combat discrimination against highly qualified persons with disabilities in the labor market, an essential step towards increasing employment opportunities for this segment of the population.
- Belgium's Unia: Mandated by Article 33.2 of the Convention on the Rights of Persons with Disabilities (CRPD), Unia demonstrates a specialized commitment to protecting the rights of persons with disabilities, reflecting the importance of international conventions and obligations in their work.
- Latvia's The Ombudsman's Office: Their research and educational activities on the accessibility of essential services offered by private companies, particularly in the banking sector, enhance digital and physical accessibility for persons with disabilities, ensuring equal access to vital services.
- Cyprus's Commissioner for Administration and the Protection of Human Rights: Their engagement spans various aspects, including recommendations to enhance access to education for children with disabilities, making beaches accessible, and



addressing discriminatory practices against teachers with disabilities. These multifaceted interventions highlight the broad scope of their work to promote

the rights of persons with disabilities in business-related settings.

Business impacts – sectors



1. Agriculture and fisheries

In assessing the engagement of National Human Rights Institutions (NHRIs) with business impacts on human rights in the agriculture and fisheries sectors, several shared pathways emerge. Firstly, a majority of NHRIs have actively worked in these sectors in the past five years, underlining the global recognition of the importance of safeguarding human rights within agricultural and fisheries activities. Secondly, these institutions often exhibit a comprehensive approach, addressing various facets of business impacts, including labor rights, land rights, environmental concerns, and more. This holistic approach reflects the multi-dimensional nature of human rights challenges in these sectors. Furthermore, NHRIs are commonly engaging with various stakeholders, including communities, civil society organizations, and government

actors, showcasing a collaborative effort to address these complex issues effectively.

Examples:

- German Institute for Human Rights: Their study on human rights in the palm oil sector, coupled with certification criteria, exemplifies their approach to improving human rights conditions in the agriculture sector.
- Danish Institute for Human Rights: Their international work on sustainable oceans includes engagement on various human rights issues related to labor, land, and the environment in the fisheries sector, highlighting a comprehensive approach.



- Poland's Commissioner for Human Rights: Their actions concerning odour nuisances are indicative of their effort to address environmental issues that impact local communities in the agriculture sector, emphasizing the relevance of these issues to the human rights framework.
- Cyprus's Commissioner for Administration and the Protection of Human Rights: Their contributions to both agriculture and fisheries sectors signify their commitment to tackle a wide array of human rights concerns, addressing issues such as access to education for children and discriminatory practices against teachers with disabilities, among others. This multifaceted approach is reflective of their comprehensive engagement in these sectors.
- Luxembourg's Commission consultative des Droits de l'Homme: Their active engagement in this sector underscores the importance of addressing construction-related human rights issues.
- Danish Institute for Human Rights: Their collaboration with the Green Building Council reflects an effort to promote sustainable and responsible practices in construction, even if specific activities are not publicly available.
- Latvia's The Ombudsman's Office: Their focus on the high risk of labor rights breaches in the construction sector in Latvia indicates a proactive approach to mitigate human rights violations in this field.

2. Construction

In examining National Human Rights Institutions' (NHRIs) engagement with business impacts on human rights in the construction sector, a prevalent pattern is the recognition of the need to address labor rights and safety concerns within construction activities. This suggests a shared acknowledgment of the sector's potential for human rights violations, particularly in labor-intensive fields. Another common thread is the active involvement of these institutions in exploring solutions to mitigate human trafficking and labor rights violations in construction, underlining a collective effort to combat these issues effectively. Moreover, many NHRIs are actively engaging with public and private stakeholders to address human rights concerns within the construction sector, emphasizing the importance of collaboration and dialogue to ensure compliance with human rights standards.

Examples:

- Armenia's Office of the Human Rights Defender: While no specific activities are detailed, their acknowledgment of working in this sector indicates the recognition of human rights challenges within construction.

3. Extractive/mining

Within the context of NHRIs' work on business impacts in the extractive/mining industry, several common themes and pathways emerge. From the few responses received in this section, NHRIs often recognize the significance of addressing human rights concerns in the extractive industry, reflecting a shared understanding of the potential human rights challenges associated with mining activities. Moreover, many institutions engage in research and studies related to the extractive sector, underlining the importance of gathering information and promoting transparency in this domain. Additionally, cooperation and collaboration with various stakeholders, including government bodies and civil society organizations, are essential components of NHRI efforts in addressing human rights in the mining industry, emphasizing the necessity for collective action to create meaningful change.

Examples:

- German Institute for Human Rights: Their engagement with the mining sector in Colombia reveals a commitment to assessing the economic versus human rights requirements in corporate risk assessments. Furthermore, their involvement in



transnational cooperation on human rights in the extractive sector in Colombia demonstrates an emphasis on international collaboration to address human rights concerns.

- Danish Institute for Human Rights: Their activities encompass responsible mining in Myanmar, emphasizing the need for a rethinking of mining practices, as well as efforts related to gender-responsive implementation of extractive industry projects and human rights due diligence. These initiatives demonstrate a multi-pronged approach to addressing human rights challenges in the mining industry.
- Poland's Commissioner for Human Rights: Their investigations regarding mining tremors in Libiąż and actions in defense of local spatial plans against new mines underscore a commitment to addressing local concerns and defending community rights within the extractive sector. These activities reflect a localized approach to addressing human rights challenges associated with mining activities.

4. Garment industry

In response to the question regarding NHRI involvement in addressing business impacts on human rights within the garment industry, it is evident that only two NHRIs provided a response. This limited engagement within the sector indicates a noteworthy pattern of potential gaps in NHRI activities related to human rights in the garment industry. Despite the global significance of this sector and the well-documented human rights challenges it faces, the responses of most NHRIs remained notably absent. This pattern might indicate that human rights issues within the garment industry have not received the attention they warrant within the context of NHRI activities, potentially requiring more concerted efforts in the future.

The examples provided by the two NHRIs that did engage with the garment industry highlight their diverse approaches to addressing human rights concerns within this sector. The German Institute for Human Rights focuses on

human rights in the garment sector, emphasizing the need to bring human rights into the fashion industry. They offer a publicly available report ("Bringing Human Rights into Fashion") that reflects their efforts. In contrast, the Danish Institute for Human Rights collaborates with various stakeholders, such as CORE, to address children's rights in the Canadian garment sector. Additionally, they conduct human rights due diligence among small- and medium-sized companies in the Danish fashion and textile industry. These examples underscore that when NHRIs do choose to engage in the garment industry, they do so in varied and comprehensive ways, reflecting the sector's multifaceted human rights challenges.

5. Energy

In response to the question regarding NHRI involvement in addressing business impacts on human rights within the energy sector, five NHRIs provided responses. While not all NHRIs participated, the five responses suggest a willingness among certain NHRIs to address the intersection of business activities and human rights in the energy sector.

The examples provided by the five NHRIs that have engaged with the energy sector showcase various approaches and activities. For instance, the German Institute for Human Rights emphasizes calculated risk in the mining/energy industry, with a focus on Colombia. Similarly, the Danish Institute for Human Rights works on the integration of human rights into the energy transition, seeking to ensure that human rights are considered in energy policy and projects. The Commissioner for Human Rights in Poland conducts investigations related to unfair commercial practices by state-owned oil concerns. These examples illustrate the diverse ways in which NHRIs engage with the energy sector, addressing issues from risk assessment to human rights integration in policy and investigations related to commercial practices.



6. Financial

In response to the question regarding NHRI involvement in addressing business impacts on human rights in the financial sector, six NHRIs provided responses. The patterns observed in these responses indicate that NHRIs are increasingly engaging with the financial sector to ensure it operates in alignment with human rights standards. It suggests a growing recognition of the role of the financial industry in human rights issues and a willingness to monitor and influence its practices.

The examples provided by the NHRIs that have engaged with the financial sector in the context of human rights highlight a range of activities. For instance, the German Institute for Human Rights works directly with financial actors to implement the UN Guiding Principles on Business and Human Rights in the investment lifecycle. The Danish Institute for Human Rights focuses on supporting the development of policy and regulatory frameworks in the financial sector to ensure that financial systems operate in accordance with human rights standards. The Polish Commissioner for Human Rights provides an example of the NHRI's involvement in legal and regulatory matters, offering an opinion on a draft law regarding the abolition of the Financial Ombudsman. These examples illustrate the diverse approaches that NHRIs are taking to engage with the financial sector, ranging from policy development and regulatory frameworks to legal opinions and direct engagement with financial actors.

7. Information Technology (IT), electronics, and communications (including social media)

In response to the question regarding NHRI engagement with business impacts on human rights in the Information Technology (IT), electronics, and communications sector, six NHRIs have provided answers, reflecting a growing recognition of the importance of addressing human rights issues in the digital and technology sphere. The patterns observed suggest that NHRIs are increasingly advocating for human rights considerations within this sector. This is evident through recommendations

made to businesses in this field, indicating a more indirect approach to ensure that human rights standards are upheld. The NHRIs' engagement with this sector is primarily characterized by a focus on addressing issues such as artificial intelligence, online hate speech, transparency of social media policies, and accessibility for persons with disabilities.

The examples offered by the NHRIs highlight the diverse ways they are addressing human rights concerns in the IT and communications sector. For instance, the French NHRI indirectly engages with businesses in this sector through recommendations related to artificial intelligence and online hate speech. Similarly, the Polish Commissioner for Human Rights is active in this area, focusing on transparency of social media policies, accessibility of e-commerce for persons with disabilities, and addressing issues related to pathostreaming. The Danish Institute for Human Rights showcases a more direct engagement by participating in the Tech for Democracy Initiative, which aims to integrate human rights considerations in technology development and use through a coalition of stakeholders. These examples demonstrate the multi-faceted approach NHRIs are adopting to address human rights issues in the IT and communications sector, ranging from advocacy and recommendations to direct involvement in initiatives promoting responsible technology use.

8. Security

In response to the question regarding NHRI engagement with business impacts on human rights in the security sector, only three NHRIs provided answers. This limited response suggests that addressing human rights issues in the security sector from a business perspective might not be a common focus for NHRIs.

The examples provided by the NHRIs offer insight into their work in the security sector. The Danish NHRI demonstrates a direct approach by working on data retention issues and contributing to public debate through op-eds and consultation memos. Meanwhile, the Latvian NHRI addresses human rights violations in a



real-world context, emphasizing the importance of non-discrimination in a case involving racial or ethnic profiling by a security guard. These examples illustrate that NHRIs are actively addressing security sector-related human rights concerns through various strategies, such as legal advocacy, public awareness, and specific case interventions. While the responses to this question were limited in number, they reflect the commitment of NHRIs to engage with and protect human rights within the security sector, albeit in different ways.

9. Tourism

Only two NHRIs responded to the question regarding NHRI engagement with business impacts on human rights in the tourism sector. This limited response may indicate that this sector is not a prominent focus for NHRIs in addressing business-related human rights concerns.

The examples provided by the two NHRIs highlight their work in the tourism sector. The Polish NHRI engages by addressing the issue of refunds for tourist events canceled due to the SARS-CoV-2 pandemic. They have conveyed their concerns to the Minister of Development, emphasiz-

ing the importance of protecting the rights of tourists in these circumstances. The German NHRI indicates their activity in the tourism sector without specific details.

10. Other

Only four NHRIs responded to the question regarding NHRI engagement with business impacts on human rights in "Other" sectors, indicating that this category allows for a wide range of activities and is less specified than other sectors listed in the questionnaire. Patterns in the responses suggest that these NHRIs have chosen to address unique or less conventional areas of business and human rights. The Luxembourg NHRI mentioned engagement with "Sexual services," which falls outside the more common business sectors covered. The Dutch and Danish NHRIs reported activities related to shipping and fast-moving consumer goods, illustrating that they are addressing distinct niches within the business and human rights landscape. This indicates that NHRIs are adaptable and willing to tackle a variety of human rights issues related to business, not just those in well-established sectors.

Engagement with state actors in specific areas

1. Development Finance Institutions

Only three NHRIs responded to the question regarding engagement with state actors in the context of Development Finance Institutions (DFIs) concerning human rights.

The French NHRI, the Commission nationale consultative des droits de l'homme, contributed to the elaboration of France's strategy on human rights and development, particularly in relation to the French development agency. In doing so, they demonstrated their engagement in shaping the human rights aspects of development finance initiatives. The Luxembourg NHRI, the Commission consultative des Droits de l'Homme du

Grand-Duché de Luxembourg, provided a response without further details. The Danish Institute for Human Rights reported their active participation in multiple initiatives, including becoming a member of the European Commission's permanent platform on sustainable finance and collaborating with the association of European DFIs. They have also been involved in harmonizing human rights procedures with an environmental and social management approach in the European context. The Danish NHRI's proactive involvement with DFIs and the European Commission underscores their commitment to promoting human rights in the context of development finance, demonstrating the potential for NHRIs to play a crucial role in this field.



2. Export Credit

Only two NHRIs provided responses to the question regarding engagement with state actors in the context of export credit concerning human rights, indicating limited engagement on this specific topic.

The Luxembourg NHRI, Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg, reported having engaged in activities related to export credit with state actors. However, they did not provide further details or links, making it unclear how exactly they have been involved. On the other hand, the Danish Institute for Human Rights described their engagement with the Danish Export Credit Agency, indicating that they have been actively involved in dialogues and meetings. While the description is concise, it conveys a clear example of how a Danish NHRI is directly engaging with state actors involved in export credit, emphasizing the role NHRIs can play in advocating for human rights in business activities.

3. Free Trade and Investment Agreements

Only one NHRI responded to the question regarding engagement with state actors in the context of free trade and investment agreements. The response from Commission nationale consultative des droits de l'homme in France provides a notable example of NHRI engagement in this area, highlighting their commitment to promoting human rights in the context of international trade agreements.

In their response, the French NHRI mentioned their 2016 opinion on the CETA agreement, expressing concern about potential human rights implications. This opinion, titled "Let us not sacrifice human rights for commercial interests," signifies the NHRI's proactive role in assessing and advocating for human rights considerations in trade agreements.

4. Public procurement

In response to the question regarding engagement with state actors in the context of public procurement, six NHRIs provided valuable insights into their activities, reflecting a trend of NHRI involvement in this area. These NHRIs have been actively engaging with state actors to promote human rights in the public procurement process. Their responses show a commitment to ensuring that state actions, when acting as a business, align with human rights principles and standards.

Notable examples include the Danish Institute for Human Rights, which has a dedicated project on public procurement and human rights, along with the publication of a toolkit to integrate human rights into public procurement. Similarly, the Northern Ireland Human Rights Commission worked closely with the Northern Ireland Executive to develop public procurement policies that consider human rights. These examples illustrate the diverse range of approaches and tools used by NHRIs to engage with state actors on human rights in public procurement. They demonstrate the potential for NHRIs to play a crucial role in influencing state practices in the business sector, promoting human rights considerations within the public procurement process, and contributing to improved accountability and transparency in government procurement activities.

5. State owned enterprises / Public-Private partnerships

Ten NHRIs provided responses to the question regarding their engagement with state actors in the context of state-owned enterprises and public-private partnerships. These responses indicate a notable pattern of NHRI activity in this area. The NHRIs have been actively collaborating with state actors to address human rights concerns related to state-owned enterprises or public-private partnerships. Such collaboration demonstrates their commitment to promoting human rights and ensuring that state business activities align with international human rights standards.

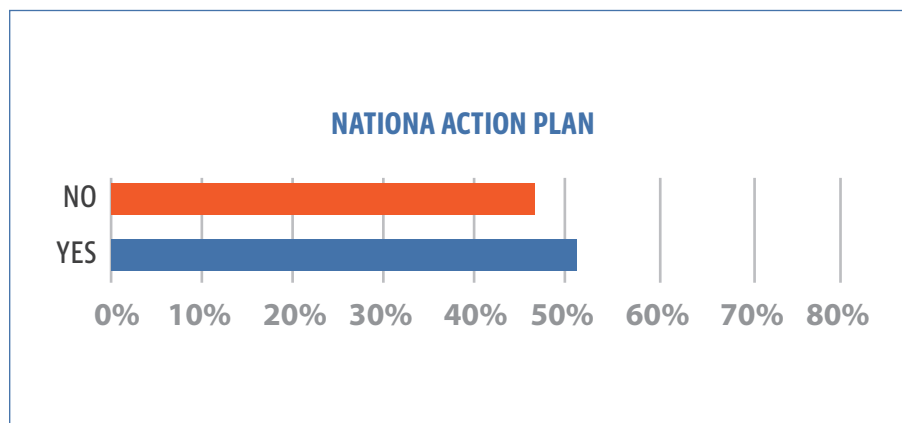


For example, the Office of the Human Rights Defender of Armenia has fostered cooperation with the Public Services Regulatory Commission to efficiently address complaints related to water supply, gas supply, energy supply, and commercial accounting. In Luxembourg, the Commission consultative des Droits de l'Homme has engaged with state actors in matters related to state-owned enterprises or public-private partnerships. In addition, the Commissioner for Human Rights in Poland has made applications concerning compensation for

expropriation of real estate for the Central Communication Port, highlighting the potential human rights implications of such projects. These examples illustrate the multifaceted approaches NHRIs take to ensure that state business activities respect and uphold human rights, whether through cooperation, dialogue, or specific interventions to address human rights concerns. The involvement of NHRIs in these areas is essential for promoting greater accountability and transparency in state business operations.

Working on business and human rights topics and methodologies

1. National Action Plans on Business and Human Rights



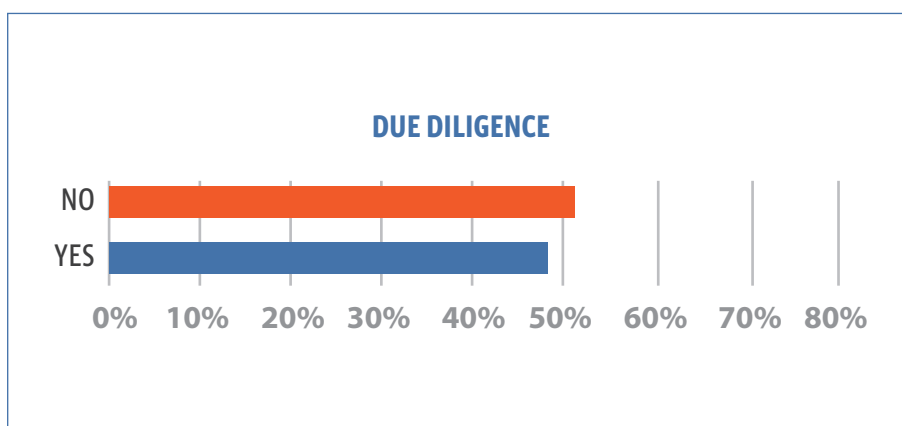
Thirteen NHRIs have actively worked with national action plans on business and human rights in the past five years. These responses demonstrate a significant trend in NHRI involvement in promoting the implementation of such plans, which are instrumental in ensuring that business practices align with human rights standards. The NHRIs have been engaged in various aspects of national action plans, such as their development, implementation, monitoring, and evaluation. This comprehensive approach emphasizes the NHRIs' dedication to promoting business practices that respect human rights.

For example, the Commission nationale consultative des droits de l'homme in France played a crucial role in the development and monitoring of the French National Action Plan on Business and Human Rights. The plan entrusts this NHRI with the task of monitoring and evaluating the plan's implementation, which involves consultations with various stakeholders. Similarly, the German Institute for Human Rights has been actively involved in developing the National Baseline Assessment (NBA) for Germany, setting quality criteria for national action plans, and comparing national action plans globally. The Netherlands Institute for Human



Rights conducted a National Baseline Assessment, providing valuable input for the new Dutch National Action Plan. This demonstrates how NHRIs work as key actors in promoting the development and evaluation of national action plans to ensure that business operations respect human rights. Their involvement is crucial for advancing the business and human rights agenda at the national level.

2. Human rights due diligence



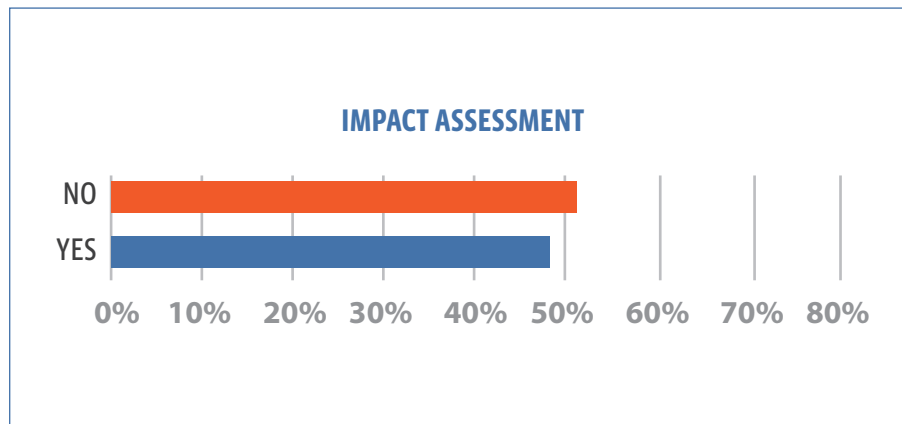
Ten NHRIs have actively worked with the business and human rights topic of "human rights due diligence" over the past five years. A common pattern emerging from these responses is that NHRIs are actively advocating for the development and implementation of mandatory human rights due diligence (HRDD) measures. They are working towards ensuring that businesses take concrete steps to identify, prevent, and mitigate potential human rights abuses in their operations. This reflects the growing recognition of the importance of HRDD in the business and human rights field, as it acts as a crucial tool to prevent human rights violations by businesses.

HRDD, focusing on corporate versus human rights risks, thereby contributing to a better understanding of how HRDD can be effectively implemented. In Denmark, the Danish Institute for Human Rights regularly provides training on HRDD to various stakeholders and has developed guidance on specific sectors and companies, making HRDD more accessible to businesses. These examples highlight the NHRIs' role in promoting HRDD as a fundamental aspect of responsible business conduct and in engaging with various stakeholders to ensure its effective implementation.

For example, the Commission nationale consultative des droits de l'homme in France recommended the adoption of a human rights due diligence law in its 2013 opinion and has continued to advocate for mandatory HRDD at regional and international levels. The German Institute for Human Rights has conducted in-depth analyses of



3. Human rights impact assessments



Six National Human Rights Institutions (NHRIs) have actively worked with the business and human rights topic of "human rights impact assessments" in the past five years. A common pattern among these responses is that NHRIs are engaging in human rights impact assessments mainly in the context of their annual reports or contributing to broader assessments. This reflects their commitment to assessing the human rights impacts of business activities, both in their own operations and on a larger scale to promote responsible business conduct.

For example, the Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg has contributed to the National Baseline Assessment (NBA), emphasizing the importance of understanding the impacts of business activities on human rights. In Denmark, the Danish Institute for Human Rights has developed a Human Rights Impact Assessment (HRIA) guide and toolbox, conducting HRIAs for companies like L'Oréal, which demonstrates their practical engagement with HRIAs as a valuable business and human rights tool. In Northern Ireland, the Northern Ireland Human Rights Commission has been consulted by public authorities on their human rights impact assessment policies, indicating their active role in shaping HRIA practices at the regional level. These examples highlight the NHRIs' multifaceted approach to promoting human rights impact assessments and their contribution to advancing responsible business practices.

4. Other BHR topics and integration into the strategic plan

Seven National Human Rights Institutions (NHRIs) responded to the question about their engagement with business and human rights in ways other than those specifically mentioned in previous questions:

- The German Institute for Human Rights actively participated in various aspects of business and human rights, including publishing a position on the German Supply Chain Act, being part of a stakeholder advisory group for the authority enforcing the Act, and facilitating sector dialogues to assist industries in implementing the UN Guiding Principles (UNGPs).
- The Danish Institute for Human Rights provides commercial service contracts to economic actors, such as public procurers, development finance institutions (DFIs), and groups of companies, in addition to phasing out direct advice to individual companies in 2021.
- The Human Rights Ombudsman of Bosnia and Herzegovina promotes human rights through the business sector, emphasizing compliance with the Labor Law and internal business acts.



- The Ombudsman's Office of the Republic of Latvia has been working on requesting translations of the UNGPs from the State Language Centre, with the goal of publishing a draft translation for review.
- The Norwegian NHRI collaborated with The Consumer Authority to provide guidance related to climate change and human rights on their website in the context of the Transparency Act.
- The Human Rights and Equality Institution of Türkiye was actively involved in preparing a fact sheet on business and human rights and participated in the Forum on Business and Human Rights online.
- The Federal Human Rights Institute in Belgium acquired a mandate to support whistleblowers and submitted a report to the European Social Rights Committee addressing issues relevant to business and human rights. These responses demonstrate the diverse ways in which NHRIs engage with business and human rights beyond the scope of the questions asked.

What do you/ your NHRI need to work more on the topic of business and human rights?

- Training workshops / e-learning courses: 9 NHRIs expressed a need for more training workshops or e-learning courses to work on the topic of business and human rights.
- Regular meetings with others working on BHR at the national level: 8 NHRIs indicated a need for regular meetings at the national level to enhance their work on business and human rights.
- Regular meetings with others working on BHR at the regional level: 6 NHRIs expressed a need for regular meetings at the regional level in the context of business and human rights.
- Development of new guidance and tools: 6 NHRIs identified a need to develop new guidance and tools to further their work on business and human rights.
- Introduction to existing guides: 3 NHRIs mentioned a need to be introduced to existing guides related to business and human rights.
- Highlight practical cases which show how NHRIs and National Contact Points (NCPs) work on the topic: 5 NHRIs expressed a need to highlight practical cases to showcase their work on business and human rights.
- Additional resourcing: 7 NHRIs indicated a need for additional resources to effectively address business and human rights.
- Other: 4 NHRIs provided additional comments or mentioned other needs related to business and human rights. These varied and included a request for more information, the need for more specialists, and the desire to explore additional opportunities.
- Additionally, a few NHRIs expressed interest in participating in a project to build capacity among European NHRIs in preparation for the transposition and implementation of the proposed EU Corporate Sustainability Due Diligence Directive, which could include small grants for NHRIs to work on the topic.



5. Responses from Latin American NHRIs

Summary

In Latin America, the mandates of National Human Rights Institutions (NHRIs) differ significantly but generally center around the advancement, safeguarding, and implementation of human rights. While many NHRIs possess mandates expansive enough to cover issues related to business and human rights, only a subset has taken targeted action in this area. For example, the NHRIs in Peru, Argentina, Bolivia, and Colombia have mandates rooted in their constitutions, whereas institutions like Paraguay's Defensoría del Pueblo are legally established. While business and human rights may not be explicitly mentioned in these mandates, institutions like Colombia's Defensoría del Pueblo and Chile's Instituto Nacional de Derechos Humanos have been proactive in addressing relevant corporate matters.

Regarding engagement with the corporate sector, there's a wide range in focus, resources, and staffing among Latin American NHRIs. While some, such as Peru's Defensoría del Pueblo and Brazil's Procuradoria Federal dos Direitos do Cidadão, have specialized units or focal points for business and human rights, others like those in Paraguay and Ecuador are either still formulating plans or operate with limited resources. Staffing levels also fluctuate, with some NHRIs employing larger teams focused on business and human rights issues, while others function with minimal personnel.

NHRIs participate in international and regional monitoring and reporting, provide legal and policy analysis, and engage with legislators and policymakers to shape legislation and promote human rights in the business sector. They play a crucial role in advocating for national and international mandatory due diligence and provide feedback on EU law proposals. Some NHRIs actively engage in academic research on business and human rights, fostering a culture of research within their organizations. While not all NHRIs have the capacity for academic research, their work in various aspects of business and human rights reflects their multifaceted role in

promoting and protecting human rights in the context of business activities.

NHRIs in Latin America employ a versatile approach to capacity building, covering topics like due diligence and the intersection of technology and human rights. These training efforts target internal staff, businesses, policy-makers, and the public alike. Different countries employ varied methods, from online courses to collaborative working groups, for both internal and external training. Beyond that, NHRIs engage in public awareness efforts, legal counseling, participation in national and international forums, and partnership agreements with the private sector to raise awareness about labor rights and the role of businesses in human rights.

To promote human rights within the business realm, NHRIs utilize strategies like partnering with justice ministries, engaging civil society and corporate sectors, and conducting targeted training programs. Various publications, webinars, and events further educate stakeholders about international human rights norms. On the investigative front, these institutions scrutinize issues ranging from environmental consequences to gender discrimination and collaborate with public prosecution offices to recommend appropriate legal actions.

NHRIs serve as crucial mediators in human rights cases related to businesses. They employ various tactics like social mediation, formal agreements, and conflict mapping to offer less confrontational alternatives to litigation. Additionally, they support victims through both judicial and non-judicial mechanisms, including specialized advice centers and remediation follow-up services. Some have influenced public policy by partaking in public hearings and offering technical input to legislative bodies.

Monitoring and reporting activities to international and regional bodies are also part of the NHRI repertoire. Some institutions include these issues in their regular reports, while others undertake specialized initiatives or collaborate with international bodies. NHRIs also offer recommendations on environmental assessments and social



responsibility, seeking to shape national policy frameworks. Examples include drafting or contributing to laws governing areas such as private security services, mining company accountability, and mandatory human rights due diligence.

NHRIs exhibit varying levels of research engagement concerning business and human rights. While only a few have undertaken specialized academic research, those that have, aim for policy-relevant studies. Additionally, some NHRIs focus on sector-specific research, like environmental impact assessments, to issue targeted recommendations. However, the limited number of NHRIs involved suggests potential gaps, likely due to resource limitations or differing priorities.

NHRIs are taking significant steps to address the impact of business activities on human rights. Their initiatives range from direct actions against educational commitment violations to lobbying for laws promoting equality within business practices. However, the limited response in certain sectors suggests that more coordinated efforts are required.

In specialized sectors like health and social care, NHRIs have scrutinized private healthcare providers for pricing transparency and compliance. They also focus on worker social benefits and tailor recommendations to the pandemic context. For human rights defenders, NHRIs take part in advocacy and security efforts, particularly for vulnerable groups like indigenous activists.

NHRIs are actively addressing issues like forced labor, modern slavery, and human trafficking through preventive measures like labor rights advocacy. Concerning gender, they work for workplace equality, while for Indigenous peoples, they focus on land and resource-related conflict resolution. Additionally, they are involved in a variety of other initiatives, such as environmental advocacy and monitoring government compliance with human rights norms.

NHRIs show varied engagement across different sectors like agriculture, fisheries, construction, and finance. For

instance, while some NHRIs are proactive in the extractive industries, others like the garment and tourism sectors see little or no involvement, pointing to areas that may need more attention.

Among the NHRIs surveyed, most responses came from Brazil's PFDC, which has been proactive in areas like development finance and public procurement. However, engagement with state actors is inconsistent across NHRIs, indicating a need for broader involvement to ensure human rights are safeguarded.

In areas like National Action Plans on Business and Human Rights, Human Rights Due Diligence, and Impact Assessments, NHRIs have been active. They contribute to shaping national frameworks, developing practical tools, and even collaborating internationally to conduct sector-wide impact assessments.

Finally, to increase their effectiveness in business and human rights, NHRIs have identified various needs. These include training, regular meetings for dialogue, and the development of new guidance and tools. The most commonly cited needs across NHRIs suggest a shared interest in building capacity and securing resources to address these issues more effectively.



NHRI mandate to work on business and human rights

The mandates vary widely but generally encompass the promotion, protection, and enforcement of human rights, often extending to areas that involve businesses. In general, most NHRIs have broad mandates that allow them to intervene in cases involving businesses and human rights, even if these aren't explicitly mentioned. Some NHRIs, like in Brazil and Santa Fe, Argentina, have taken additional steps to address the business-human rights intersection directly.

Below we can find a breakdown of the mandates governing the work of various National Human Rights Institutions (NHRIs) on business and human rights, categorized by whether they are constitutional, made by law, or established by decrees:

Constitutional Mandates:

- Defensoría del Pueblo del Perú: Mandate is constitutionally established to defend fundamental rights, supervise state administration, and oversee public services.
- Defensoría del Pueblo de la Nación Argentina: The mandate is established under Article 86 of the Argentine National Constitution.
- Defensoría del Pueblo de Bolivia: Article 218 of the Constitution outlines the mandate to protect, promote, and ensure human rights.
- Defensoría del Pueblo de Colombia: The mandate is enshrined in Article 282 of the Colombian Constitution.
- Defensoría del Pueblo Ecuador: The mandate is constitutionally established (Art. 215) to work on the promotion and protection of human rights.
- Defensor del Pueblo de la República Dominicana: The mandate is constitutional, aimed at safeguarding fundamental rights and collective interests.

Mandates by Law:

- Defensoría del Pueblo de la República de Paraguay: Established by Law N° 631/95, Article 10 outlines the mandate.
- Defensoría del Pueblo de la Provincia de Santa Fe (Argentina): The mandate is established by Provincial Law Nro. 10.396.
- Instituto Nacional de Derechos Humanos Chile: The mandate is given by Article 3 number 7 of Law 20405.
- Defensoría del Pueblo Ecuador: Besides the constitutional mandate, it is also established by its own Organic Law.
- Other:
 - Procuraduría de los Derechos Humanos Guatemala: The mandate is established by DECREE NUMBER 54-86 of the Congress of Guatemala.
 - Procuradoria Federal dos Direitos do Cidadão (PFDC) - Brazil: This institution operates as part of the Federal Public Prosecution Service (MPF) and its mandate seems to be guided by institutional principles rather than being strictly enshrined in the Constitution or laws.

While there's no explicit mention of whether the mandates of these National Human Rights Institutions (NHRIs) specifically allow them to work on business and human rights, there are some examples of such relation.

Specific Cases:

- Defensoría del Pueblo del Perú: Given its mandate to supervise state administration and oversee public services, it could potentially look into issues related to private businesses that provide public services.



- Defensoría del Pueblo de Colombia: The Defensoría often engages with the corporate sector on human rights issues, especially those related to conflict and post-conflict settings.
- Instituto Nacional de Derechos Humanos Chile: Often involved in environmental issues, this institution could potentially engage with businesses that have environmental impacts.
- Procuraduría de los Derechos Humanos Guatemala: If the mandate is broad enough to include oversight over human rights issues that arise from the activities of private entities, then it could engage with the corporate sector.

In summary, the explicit ability of NHRIs to work on business and human rights is usually not a feature of their mandate unless specifically legislated. However, they often engage with private entities where human rights issues are concerned.

Engagement with businesses and teams

In terms of human rights and business, the NHRIs vary significantly in their mandates, focus, and resources. While some are well-equipped and have explicit mandates for business engagement, others are in the planning stages or have limited resources dedicated to this area.

Engagement with Businesses

Engaging Directly with Businesses: Defensoría del Pueblo del Perú, Defensoría del Pueblo de la Nación Argentina, Defensoría del Pueblo de Bolivia, Procuraduría Federal dos Direitos do Cidadão (Brazil), Instituto Nacional de Derechos Humanos Chile, Defensoría del Pueblo de Colombia, and Defensor del Pueblo de la República Dominicana have mandates that include engaging with businesses.

No Direct Engagement: Defensoría del Pueblo de la República de Paraguay, Defensoría del Pueblo de la Provincia de Santa Fe (Argentina), Defensoría del Pueblo Ecuador, and Procuraduría de los Derechos Humanos Guatemala do not have a mandate for direct engagement with businesses, although some have working groups or plans to create them.

Designated Units or Focal Points

Designated Units or Focal Points: Defensoría del Pueblo del Perú⁴, Defensoría del Pueblo de la Provincia de Santa Fe (Argentina), Defensoría del Pueblo de la Nación Argentina, Procuraduría Federal dos Direitos do Cidadão (Brazil), Instituto Nacional de Derechos Humanos Chile, and Defensoría del Pueblo de Colombia have designated units or focal points that specialize in business and human rights.

No Designated Units: Defensoría del Pueblo de la República de Paraguay, Defensoría del Pueblo de Bolivia, Defensor del Pueblo de la República Dominicana, and Procuraduría de los Derechos Humanos Guatemala do not have specialized units or focal points for business and human rights, although some have plans to create them.

Staffing Levels

Multiple Staff Members: Defensoría del Pueblo del Perú and Procuraduría Federal dos Direitos do Cidadão (Brazil) appear to have larger teams, with the latter having 12 members and a coordinator.

Limited Staffing: Defensoría del Pueblo de la Provincia de Santa Fe (Argentina), Defensoría del Pueblo de la Nación Argentina, Instituto Nacional de Derechos Humanos Chile, and Defensoría del Pueblo de Colombia have smaller teams, typically around 1-3 persons.

Plans to Create Staff: Defensoría del Pueblo de la República de Paraguay and Defensoría del Pueblo Ecuador have plans to designate staff or create internal working groups.

4. Defensoría del Pueblo de Perú Resolución Administrativa No 014-2022



NHRI Activities

1. Internal and external capacity building on business and human rights norms and frameworks

The responses show a variety of strategies and activities undertaken by different NHRI offices across Latin America in terms of capacity building related to business and human rights. 72.7% of the NHRIs are actively involved in training and capacity-building initiatives related to human rights and business. These activities focus on a range of topics within the scope of human rights and business. These include due diligence processes, responsible business conduct, human rights violations in various industrial sectors, and the role of companies in upholding or breaching human rights standards. Additional subjects touch upon gender-specific human rights issues, technology's impact on human rights, and the role of the NHRIs themselves in mediating conflicts and grievances. The training is directed not only at internal staff but also at external stakeholders like businesses, policymakers, and the public to enhance awareness and compliance. The approaches can be categorized into the following:

Paraguay: Utilizes an online course to train its staff. This is focused on capacity-building within the organization.

Peru: Leading a working group and conducting activities to better understand norms related to due diligence.

Santa Fe, Argentina: Executed external training for business leaders and supervisors. Here, the emphasis is not just on internal but also external capacity building.

National Argentina: Conducted both internal and external trainings in 2021 and 2022.

Chile: Internal trainings on business and human rights issues, including specific topics like technology and women's rights.

Bolivia: Provides human rights training upon request from private companies, mainly focused on vulnerable populations.

Colombia: Specialized process for dealing with human rights and businesses, aimed at guiding officials.

Dominican Republic: Utilizes legal power and social mediation to influence companies that may be violating human rights.

Brazil: Conducted various webinars on business and human rights topics, aiming to foster public awareness and discussion.

2. Promoting public awareness on business and human rights

The National Human Rights Institutions (NHRIs) engage in a variety of activities aimed at promoting public awareness about the relationship between businesses and human rights. The awareness activities undertaken by various National Human Rights Institutions focus on a range of topics including labor rights, human dignity, equality, non-discrimination, and the role of businesses in upholding human rights. Some initiatives aim to offer legal advice to citizens, while others focus on outreach activities targeted at public officials and members of civil society. Additional efforts include participating in national and international forums, making public pronouncements to highlight human rights issues in business practices, and entering into cooperation agreements with private sector entities for the mutual promotion of human rights.

For instance, Paraguay's NHRI offers legal advice to citizens on labor rights within the context of business. Peru's NHRI mentioned that it had conducted outreach activities targeted at public officials and civil society members but admitted a lack of continuity due to various constraints such as staffing and priorities. Brazil's PFDC has been proactive in launching initiatives and publishing articles to foster a human rights culture and discuss the role of businesses in this context. Chile's NHRI participates in national and international forums to discuss and promote the topic. Colombia's NHRI seeks to make public pronouncements to highlight issues related to business practices affecting human rights and calls on both governmental entities and businesses to adopt protective measures.



The Dominican Republic's NHRI has entered into cooperation agreements with the private sector for the promotion of human rights. Notably, some NHRIs like those from Argentina, Bolivia, Ecuador, and Guatemala did not provide information on this particular topic.

3. Promotion of human rights to the business sector

The promotion of human rights in the business sector is approached in diverse ways by these National Human Rights Institutions. Efforts include participating in activities orchestrated by ministries of justice to spread awareness about national action plans on business and human rights. Some institutions hold meetings with civil society, public entities, and the business sector to discuss issues of rights violations linked to corporate activities. External training programs are offered, especially in sectors like private security, aimed at fostering responsible business conduct and due diligence processes. Various forms of cooperation agreements with private sector entities, such as universities and companies, are also common to involve businessmen in the promotion of human rights. Publications, webinars, and promotional events serve as additional platforms to educate about the United Nations Guiding Principles on Business and Human Rights and other human rights standards, often targeting areas with high corporate activity.

Some examples:

Holding meetings with civil society, public entities, and the business sector to discuss the National Action Plan on Business and Human Rights, as seen in Peru.

Offering training sessions targeted at business owners and supervisors in the private security sector. These sessions cover responsible business conduct and due diligence processes, as observed in Argentina's Santa Fe province.

Entering into cooperation agreements with universities and private companies to promote human rights education among businessmen, as noted in the Dominican Republic.

Publishing reports and articles on issues like "National

Policy on Human Rights and Business," as done in Brazil, to provide in-depth information and guidelines on responsible business conduct.

Conducting webinars and other virtual events to disseminate information and foster dialogue about human rights and business, as carried out in Brazil.

Participating in forums and conferences, both nationally and internationally, to discuss the relationship between human rights and businesses, such as Chile's participation in the GANHRI working group and other forums.

Running awareness campaigns in regions with high corporate activity to disseminate information on the United Nations Guiding Principles on Business and Human Rights, like in Colombia.

4. Investigations concerning business related human rights abuses

In investigating business-related human rights abuses, various National Human Rights Institutions (NHRIs) have engaged in comprehensive activities. These include scrutinizing environmental impact assessments related to public health, evaluating human rights violations in specific sectors like private security and public transportation, and examining incidents from historical contexts like military dictatorships. These investigations are often exhaustive and target a range of topics from labor rights to data privacy and gender discrimination. These efforts have also entailed collaborations with public prosecution offices, producing public reports, and even suggesting legal actions based on their findings.

For example, the NHRI in Peru has issued reports implicating certain businesses in human rights violations. In Argentina's Santa Fe province, a program specifically aimed at private security firms was developed to identify policy and normative gaps concerning human rights. Bolivia's NHRI has investigated human rights issues among older adults in financial institutions. Brazil's federal NHRI launched investigations into companies' role during the military dictatorship and also scrutinized human rights risks associated with the organization of the Copa América Football tournament.



Colombia's NHRI has conducted over 80 investigations on diverse topics like asbestos exposure and gender issues in public companies. Finally, Ecuador's NHRI has multiple investigations related to abuses in sectors like mining and consumer rights, including severe cases such as "debt slavery" in plantations.

5. Public inquiries on business and human rights themes

Various National Human Rights Institutions (NHRIs) have actively participated in public inquiries related to business and human rights. These inquiries have covered a range of topics, from environmental rights to the impact of dams on local communities and historical cases of human rights abuses. NHRIs have employed a variety of methods, including public hearings, consultations with stakeholders, and collaborations with legislative bodies. Their work often culminates in public reports and recommendations that aim to influence policy and encourage corporate responsibility.

For instance, in Paraguay, the NHRI has engaged in public hearings primarily focused on environmental concerns tied to business activities. In Santa Fe, Argentina, consultations were carried out with relevant stakeholders on the issue of private security and human rights. Brazil's NHRI has been notably active, participating in numerous public hearings to discuss subjects ranging from the effects of dams to human rights abuses during the military dictatorship. They have also opened public consultations to gather information on rights violations committed by companies. In Ecuador, public pronouncements on cases related to business and human rights have been disseminated through their website and social media, as well as sent to international organizations like the Inter-American Commission on Human Rights (CIDH).

6. Complaints handling concerning human rights abuses in the business sector

National Human Rights Institutions (NHRIs) play an active role in handling complaints concerning human

rights abuses in the business sector. Complaints generally emerge from various sources, such as public petitions, media reports, or issues identified by the NHRIs themselves. Upon receiving these complaints, NHRIs may initiate investigations, hold public hearings, collaborate with other agencies, and offer legal or social mediation. These procedures serve to scrutinize business practices, generate public accountability, and, when necessary, recommend policy changes or legal action. This systematic approach to complaints-handling seeks to ensure that businesses operate in a manner that respects and upholds human rights standards.

For specific examples, in Peru, reports related to business and human rights can arise from citizen petitions or problems identified during routine operations. In Brazil, the NHRI receives a wide range of complaints related to businesses, and it has the capability to initiate various procedures, including investigations and policy recommendations. In Colombia, the NHRI has processed a significant number of complaints—over 122,000 from January 2016 to the present—alleging human rights violations by private companies, state enterprises, and mixed-economy societies. In the Dominican Republic, the Ombudsman uses social mediation techniques and has the power to influence companies that violate or attempt to violate human rights. Ecuador's NHRI initiates or participates in legal proceedings based on findings from their investigations into companies violating human rights. This diverse range of activities underscores the integral role that NHRIs play in ensuring corporate accountability for human rights abuses.

7. Conciliation / mediation concerning human rights abuses in the business sector

National Human Rights Institutions (NHRIs) actively engage in conciliation and mediation processes concerning human rights abuses in the business sector. These bodies use a variety of tools and mechanisms, including social mediation, formal agreements, and conflict mapping. Some NHRIs even operate specialized centers for mediation where they handle complaints involving



human rights violations by companies. The approaches to mediation are often case-specific and strategically chosen based on the context and the actors involved. Overall, these mediation efforts serve as a less confrontational and potentially more efficient alternative to litigation, aiming to bring about fair settlements and ensure corporate accountability.

In Peru, the NHRI participates in dialogue spaces to collect information, map out actors, and explore possible scenarios, later publishing these findings in a Monthly Report on social conflicts. In Bolivia, the NHRI has directly urged the Ministry of Labor to comply with resolutions concerning irregularities in labor dispute processes, as evidenced in their reports. Argentina's Province of Santa Fe features a specialized Center for Mediation run by the NHRI that addresses human rights complaints against businesses. In Brazil, the NHRI has used Conduct Adjustment Terms to secure significant financial compensations from companies like Volkswagen and Carrefour for human rights violations. The Colombian NHRI has recently opened its first center focused on conciliation. In the Dominican Republic, the NHRI frequently employs social mediation to resolve various types of conflicts, ranging from land tenure issues to shareholder disputes.

8. Support to victims of business human rights abuses to remedy mechanisms, e.g. judicial or non-judicial

National Human Rights Institutions (NHRIs) play a significant role in supporting victims of human rights abuses in the business sector. The support mechanisms span both judicial and non-judicial remedies. Some NHRIs operate specialized centers that offer extraprocedural advice and assistance to victims and witnesses. Others actively monitor and follow up on agreements reached in dialogues or mediation sessions, contributing to remediation processes. The engagement includes issuing technical notes to legislative bodies, participating in public hearings, and offering access to judicial and non-judicial redress mechanisms, thereby aiming to hold businesses accountable and improve public policies for affected individuals.

In Peru, the NHRI actively follows and monitors social conflicts, including tracking the fulfillment of agreements made in dialogues, thereby contributing to remediation processes. Argentina's Province of Santa Fe has a Center for Victim and Witness Assistance that offers extraprocedural advice and support to those who have experienced rights violations. In Brazil, the NHRI has participated in public hearings and even issued technical advice to the Federal Senate for the improvement of public policies related to victims affected by dam failures. Chile's NHRI provides support through both judicial and non-judicial mechanisms, including an agreement with the National Contact Point. In Colombia, the NHRI provides support for access to judicial remediation mechanisms through the National System of Public Defense.

9. Including business and human rights in monitoring and reporting to international or regional bodies

The incorporation of business and human rights issues in monitoring and reporting to international or regional bodies varies among National Human Rights Institutions (NHRIs). While some NHRIs include these aspects in their regular reports to international organizations, others have specific initiatives and collaborations in this regard. Some even work closely with international labor organizations and submit detailed recommendations to governmental bodies. However, it should be noted that not all NHRIs have formalized practices for including this information in their periodic reports to international entities. Overall, the trend suggests an increasing recognition of the necessity to include business and human rights as an integral part of monitoring and reporting mechanisms at the international level.

For example, Argentina's national NHRI contributes inputs to the Universal Periodic Review (EPU) and responds to reports from international working groups. Bolivia's NHRI takes a comprehensive approach; it not only submits recommendations to the Ministry of Labor but also shares its reports with a broad spectrum of stakeholders, including international labor organizations and various governmental bodies.



In Brazil, while periodic reports on human rights and businesses are not yet standard practice, the issue is addressed in annual reports. Chile's NHRI takes the lead in international working groups on human rights and businesses, while Colombia's NHRI always includes the topic in its reports to international organizations, considering it part of its mandate to promote human rights in business contexts.

10. Recommendation to government on business and human rights

National Human Rights Institutions (NHRIs) are actively involved in offering recommendations to their respective governments on matters related to business and human rights. The scope of these recommendations varies, covering areas such as environmental assessment, social responsibility, and more targeted themes like the rights of specific vulnerable populations. These recommendations are generally backed by comprehensive reports or studies conducted by the institutions themselves. Some NHRIs also keep track of the implementation of their recommendations and follow up with government bodies to ensure that suggested changes are made. Their recommendations often aim to influence the development of national action plans, legislation, and policies that are more aligned with human rights standards.

For example, Paraguay's NHRI has collaborated with the Ministry of Environment and Sustainable Development to offer suggestions specifically on human rights within environmental evaluations of mining projects. Bolivia's NHRI has submitted reports to the state with recommendations related to the treatment of older adults in financial institutions. Brazil's NHRI recommended that the state ratify the Escazú Agreement, which focuses on public access to information and participation in environmental matters. Colombia's NHRI has been insistent on the creation and effective implementation of National Action Plans concerning human rights and businesses. They extend regular recommendations to both the National Government and territorial governments. The Republic of Dominican's NHRI uses social mediation as one of

its primary tools, extending recommendations to government institutions through it. These instances demonstrate the active role NHRIs play in shaping policy and advocating for human rights in the business realm.

11. Engaging businesses on philanthropic corporate social responsibility initiatives

It's worth noting that only a few National Human Rights Institutions (NHRIs) have responded to the question regarding their engagement with businesses on philanthropic Corporate Social Responsibility (CSR) initiatives. Among the limited responses, it appears that some NHRIs do engage with businesses to secure resources or support for vulnerable populations. These engagements may manifest as donations, projects to strengthen community services, or in legally binding agreements that oblige companies to contribute positively to social justice efforts. These initiatives are particularly significant in contexts of heightened vulnerability, such as during a pandemic or in the aftermath of social injustices.

For example, Paraguay's NHRI has worked on obtaining donations to support families in a vulnerable state, especially during the pandemic. In Bolivia, the NHRI has developed a project focused on strengthening community meal services for older adults and homeless individuals, framed as a part of corporate social responsibility. Brazil's NHRI signed a Conduct Adjustment Term with Carrefour, a company involved in a racism case. Under this term, Carrefour committed to allocating significant funds for educational scholarships specifically aimed at black individuals. While these examples do indicate some level of involvement, the limited number of responses suggests that this area might not yet be a widely acknowledged or mainstream aspect of NHRIs' work.

12. Legal and policy analysis on business and human rights

The response to the question about involvement in legal and policy analysis on business and human rights is notably limited, suggesting that this is not yet a



widespread activity among National Human Rights Institutions (NHRIs). Among those who did respond, the focus seems to be on specific issues such as institutional and structural racism, as well as legislative proposals for corporate responsibility in human rights. These NHRIs have taken concrete steps, including issuing public notes, drafting legislation, and contributing to National Action Plans (NAPs) to ensure that businesses are held accountable for their impact on human rights.

For instance, Brazil's NHRI issued Public Note PFDC-GT13 n. 2/2020, which specifically addresses the responsibility of companies in combating institutional and structural racism. This was in response to the death of a black individual at a Carrefour supermarket in 2020. In Chile, the NHRI has contributed mainly to National Action Plans (NAPs) that focus on business and human rights. In Ecuador, the NHRI submitted a draft law to the National Assembly in December 2022, which is currently in the legislative process. This law proposes a system for early warnings, and it includes a chapter emphasizing the responsibility of companies to establish mechanisms to prevent human rights violations in their activities. Despite the limited responses, it's clear that the NHRIs that are engaged in this area are taking significant steps to shape policy and law.

13. Engagement with legislators and/or policymakers on the development or reform of business and human rights laws and regulations

The engagement of National Human Rights Institutions (NHRIs) with legislators and policymakers on the development or reform of business and human rights laws varies considerably. Some NHRIs are deeply involved in the legislative process, actively creating or contributing to drafts of bills related to business and human rights. These institutions are employing a variety of methods, such as technical notes, initiatives, and advisory units, to influence both legislative and executive branches of government. They address various topics, from due diligence in human rights to the accountability of companies in specific sectors like mining and private security.

Notably, some NHRIs are involving multiple stakeholders, such as academia, civil organizations, and the business sector, in the drafting process, highlighting a multi-dimensional approach to the development of human rights policy.

For example, the Defensoría del Pueblo de la Provincia de Santa Fe in Argentina is in the process of drafting a law regulating private security services as part of their "Programa Seguridad Privada y Derechos Humanos." In Brazil, the Office of the National Ombudsperson issued Technical Note PFDC n. 1/2022, recommending a law detailing the accountability of mining companies, particularly in dam accidents. In Colombia, the NHRI is crafting a legislative initiative concerning mandatory due diligence in human rights, and has held several multi-stakeholder meetings for input. The Ombudsman in the Dominican Republic has established a Legislative Advisory Unit to influence lawmaking on general human rights regulations. These examples show that NHRIs who are engaged in the legislative process are taking active roles in proposing, shaping, and facilitating discussions around laws that address the intersection of business and human rights.

14. Academic research on business and human rights

It is noteworthy that only a limited number of National Human Rights Institutions (NHRIs) reported undertaking academic research specifically focused on the intersection of business and human rights. Where research is conducted, the focus tends to be on policy analyses and guidelines aimed at prevention, accountability, and reparation in human rights abuses related to business activities. The aim is often to disseminate evidence-based insights that can inform both policy and practice. The limited engagement of NHRIs in academic research, however, could indicate either a lack of capacity, a different prioritization of tasks, or a preference for other types of engagement in business and human rights issues.

Among the NHRIs that did respond to this question,



published an academic article in 2018 titled 'National Human Rights and Business Policy in Brazil: Prevention, Accountability, and Reparation'. This appears to be a comprehensive look at policy directions in Brazil for reconciling business activities with human rights imperatives. Similarly, the Defensor del Pueblo de la República Dominicana provides a link to their studies on human rights, although it's not clear if any of these specifically pertain to business and human rights. These instances demonstrate that while academic research in this area is not widespread among NHRIs, the ones that are involved appear to aim for in-depth, policy-relevant studies.

15. Industry/sector specific research or case studies

Among the National Human Rights Institutions (NHRIs) that responded, there is some engagement in industry or sector-specific research and case studies, focusing on various aspects such as environmental and social impact assessments, labor rights, and specific industrial sectors like security and food production. These efforts primarily aim to issue recommendations to improve corporate accountability and enhance human rights protections. The research often includes both policy-level insights and concrete case-based findings, signaling a multifaceted approach to tackling human rights concerns in the business context. However, it's important to highlight that not all NHRIs are active in this kind of specialized research, which may indicate a focus on broader issues, lack of resources, or other priorities.

For instance, Defensoría del Pueblo del Perú has engaged in a working group on mining, companies, and human rights, where it contributed recommendations to enhance environmental and social impact assessments for investment projects. Meanwhile, Defensoría del Pueblo de Bolivia has issued specific reports on companies and labor rights, such as its reports on Harzone Industry Corporation and Sinohydro Corporation. The Instituto Nacional de Derechos Humanos in Chile has conducted research focused on the salmon industry. Defensoría del Pueblo de Colombia mentioned conducting over 80 investigations in human rights and companies, without specif-

ying sectors. This specific sectoral focus allows for targeted recommendations that could lead to substantial changes in those industries.

16. Other (please specify)

The "Other" category presents a mixed bag of additional initiatives and priorities that National Human Rights Institutions (NHRIs) are undertaking related to business and human rights. The activities range from the formation of working groups to collaborative efforts with regional bodies for the exchange of best practices. A notable emphasis is on fostering multi-stakeholder engagements, including cooperation between various levels of NHRIs. Additionally, these initiatives aim to enhance the institutional capacity to deal with the complex interplay of business practices and human rights issues. Despite the diverse range of activities, it is important to stress that only a few NHRIs responded in this category, pointing towards possible gaps in action or focus in this particular area.

For example, the Defensoría del Pueblo de la Nación Argentina has been actively collaborating with provincial and municipal human rights bodies since 2021, including the creation of a Protocol for Action for Ombudsman Offices in Business and Human Rights. On a more international note, the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil has been a participant in the thematic group of the Ibero-American Federation of Ombudsman on mining and human rights, aimed at sharing good practices and latest international developments. Meanwhile, the Procuraduría de los Derechos Humanos in Guatemala noted that the subject hasn't been worked on and remains a pending issue, indicating areas where further focus is needed.



Business impacts on the human rights of groups / thematic issues

12. Children

The responses in the "Children" category highlight the multifaceted ways in which National Human Rights Institutions (NHRIs) are engaging with the issue of children's rights in the context of business activities. Interventions range from direct actions against businesses violating educational commitments to cross-sectoral collaborations for child welfare. Various NHRIs have also created educational tools aimed at teaching children about their constitutional and human rights. However, the limited number of responses in this category indicates that the focus on children's rights in relation to business activities may not be a high priority across all NHRIs.

For instance, Defensoría del Pueblo del Perú took action against companies that failed to fulfill educational contracts, thereby violating the right to education for students. In Bolivia, the NHRI worked on facilitating the transfer of students who are children of seasonal workers to ensure their educational continuity. Brazil's PFDC reached out to ministries to act against rights violations seen in police news programs affecting children and adolescents. The Ombudsman of the Republic of Dominican Republic has launched an animated constitution aimed at educating children up to 12 years about their rights. These initiatives underline the growing awareness and actions among some NHRIs to address children's rights in the realm of business and human rights, although more concerted efforts appear to be needed.

13. Equality and non-discrimination

The responses under the "Equality and Nondiscrimination" category indicate that National Human Rights Institutions (NHRIs) are taking varied but essential steps to ensure that businesses uphold the principles of equality and nondiscrimination. These steps include lobbying for anti-discrimination laws, issuing public notes to highlight the importance of combating racism in job selection processes, and engaging with businesses to

encourage self-regulation and preventative measures against racial violence. However, it's important to note that only a limited number of NHRIs provided responses on this topic, which suggests that the focus on equality and nondiscrimination in relation to business activities may not be uniformly robust across all NHRIs.

For example, the Defensoría del Pueblo del Perú has actively called for the approval of a General Law against Discrimination. In Brazil, the Procuradoria Federal dos Direitos do Cidadão (PFDC) not only emphasized the need for anti-racist public policies but also reached a Conduct Adjustment Term with a company, allocating significant funds for scholarships aimed at black individuals. The PFDC has also held discussions with associations of shopping centers, supermarkets, and banks about self-regulation and preventative measures against racial violence. While these are promising developments, more widespread engagement from NHRIs is needed to ensure that businesses everywhere are held accountable for promoting equality and nondiscrimination.

14. Health and social care

The responses provided under the "Health and Social Care" category demonstrate that National Human Rights Institutions (NHRIs) are actively engaging with healthcare providers and businesses to ensure that fundamental health rights are upheld. Key areas of concern include price transparency for COVID-19 services, compliance of private health insurance companies with healthcare norms, and ensuring the social welfare benefits for workers. Some NHRIs have gone further to issue recommendations for medical practice adaptations in the context of the pandemic. Nonetheless, the number of institutions providing data in this sector remains limited, pointing to a possible area for more focused action across the board.

In more concrete terms, Peru's Defensoría del Pueblo called upon private healthcare providers to disclose the pricing of COVID-19 related services. This was in line with newly approved resolutions aimed at protecting the right to health and information.



In Argentina, the Defensoría del Pueblo focused on lapses by private health insurance companies, issuing recommendations for better compliance. Bolivia's Defensoría del Pueblo achieved the affiliation of a significant percentage of workers in certain companies to the national healthcare and social care services, while also regularizing the payment of wages and overtime. In Brazil, the Procuradoria Federal dos Direitos do Cidadão recommended the Federal Council of Medicine not to take measures against virtual medical examinations during the pandemic, highlighting the role of NHRIs in being responsive to changing healthcare landscapes.

15. Human rights defenders

In the realm of protecting human rights defenders, National Human Rights Institutions (NHRIs) appear to be involved in a range of activities geared towards enhancing security and advocacy. Key efforts are directed at indigenous activists, political figures, and community leaders who are often at higher risk of violence or persecution. While some NHRIs actively participate in events and discussions aimed at formulating protective mechanisms, others have issued public statements to emphasize the multi-dimensional nature of public security challenges. These actions underline the commitment of these institutions to tackling the root causes of violence and instability, with a focus on safeguarding the fundamental rights of vulnerable populations.

For instance, Peru's Defensoría del Pueblo participated in an event discussing mechanisms for the protection of indigenous human rights defenders, indicating an engagement with the specific vulnerabilities faced by these groups. In Brazil, the murder of councilwoman Marielle Franco and her driver Anderson Pedro Gomes led the Procuradoria Federal dos Direitos do Cidadão to issue a public statement, emphasizing the need to address violence through multi-dimensional solutions. They urged government institutions, legislative bodies, and society at large to collaborate in understanding and addressing the root causes of violence. Meanwhile, Ecuador's Defensoría del Pueblo is also invested in the protection of human rights defenders, particularly those from

indigenous communities, demonstrating a targeted approach in addressing the unique challenges these groups face.

16. Forced labour / modern slavery / human trafficking

In addressing forced labor, modern slavery, and human trafficking, National Human Rights Institutions (NHRIs) are taking proactive and preventive measures. They are focusing on areas such as labor rights, financing restrictions, and targeted inspections. Key recommendations are being made to labor and financial ministries to conduct regular checks on work environments and to withhold financial support from companies linked to forced labor or slave-like conditions. These efforts are often tied to specific sectors such as agriculture and construction. The NHRIs are also using their platforms to mediate between workers, companies, and governmental bodies, with the aim of ensuring that labor rights are restored and upheld.

For example, Bolivia's Defensoría del Pueblo recommended that the Ministry of Labor conduct regular inspections to verify that companies comply with labor laws, specifically mentioning the case of Sinohydro Corporation Limited Sucursal Bolivia. These inspections have resulted in conciliatory agreements between the company, the workers' union, and the Department of Labor, aimed at restoring labor rights. In Brazil, the Procuradoria Federal dos Direitos do Cidadão issued a recommendation to state financial institutions like the Brazilian Development Bank, advising them not to extend loans to companies engaging in slave-like labor practices. In Ecuador, the Defensoría del Pueblo has dealt with cases related to modern slavery in agricultural production, specifically mentioning the Furkawa case involving Abacá production and issues concerning workers' right to free association in banana production companies.



17. Freedom of association

It's notable that only a limited number of National Human Rights Institutions (NHRIs) provided information on their activities related to freedom of association. The scant data available suggests that these bodies do recognize the importance of preserving this fundamental right, particularly when it comes under threat from legislative measures. They are taking steps to engage with legislative bodies, issuing technical notes or recommendations that aim to prevent the violation of the constitutional principles of freedom of association, especially concerning the autonomy of international and non-governmental organizations.

In the specific case of Brazil, the Procuradoria Federal dos Direitos do Cidadão (PFDC) issued Technical Note No. 03/2019, directed at the Brazilian Parliament. This note recommended the rejection of Provisional Measure No. 870/2019, which sought to give the state the power to oversee and monitor activities of international and non-governmental organizations within Brazil. By doing so, the PFDC aimed to protect the constitutional principle of freedom of association. The limited number of responses from other NHRIs could indicate that while the issue is important, it may not be a current focal point of their activities or it could simply be underreported.

18. Gender

The responses from National Human Rights Institutions (NHRIs) related to gender issues are relatively sparse, yet they still indicate a multifaceted approach to gender-related concerns. From advocating for women in the workplace to promoting inclusivity in sports, these institutions seem to be making some efforts to address gender imbalances and discrimination. Several NHRIs appear to be focused on implementing policies that seek to alleviate the burden on working women and foster a more equitable environment, while others are more attuned to issues of gender and sexual orientation discrimination in public spaces like sports stadiums. Specifically, in Peru, the Defensoría del Pueblo has called for gender-focused measures to prevent excessive

workload on women. In Argentina, state companies are being monitored in the context of a National Plan aimed at addressing gender issues. In Brazil, the Procuradoria Federal dos Direitos do Cidadão (PFDC) issued a recommendation to the Brazilian Football Confederation to actively combat homophobia and transphobia in stadiums and among football clubs. Despite the limited responses, these examples illustrate that some NHRIs are taking a targeted approach to deal with gender issues in both public and professional spheres.

19. Indigenous peoples

Based on the limited responses provided by the National Human Rights Institutions (NHRIs) concerning Indigenous peoples, the main focus appears to be on conflict resolution and monitoring related to land and resource disputes, often involving extractive industries. The NHRIs seem to advocate for multi-stakeholder dialogue that includes states, communities, and corporations. They also emphasize the importance of active monitoring and reporting systems to prevent or address violence, persecution, and arbitrary actions against Indigenous communities and activists.

In Peru, the Defensoría del Pueblo encourages ongoing dialogue among the state, communities, and corporations in the face of mining-related conflicts. In Brazil, the Procuradoria Federal dos Direitos do Cidadão (PFDC) collaborates with the Movement of People Affected by Dams (MAB) to monitor violence and persecution against Indigenous communities impacted by dam projects. Ecuador's Defensoría del Pueblo has focused its efforts on intervening in cases involving the oil industry in the Amazon, which affects Indigenous communities. Additionally, in Chile, the Instituto Nacional de Derechos Humanos urges the government to expedite the implementation of the National Action Plan on Human Rights and Businesses. It particularly calls for the initiation of a multi-actor advisory group involving civil society for monitoring the plan, thereby signaling the importance of inclusive dialogue and transparent oversight.



20. Land

From the limited responses provided by National Human Rights Institutions (NHRIs) on the topic of land, there is a notable focus on legislative intervention to prevent the degradation of natural resources and public lands. The institutions call for rejecting proposed laws that would legitimize harmful activities such as deforestation and privatization of public lands. In addition, they advocate for the strengthening of environmental impact assessments and regulatory oversight to ensure that industrial activities do not compromise the human rights of surrounding communities.

In Peru, the Defensoría del Pueblo has appealed to the Congress to reject a legislative proposal aimed at legalizing deforestation. In Brazil, the Procuradoria Federal dos Direitos do Cidadão (PFDC) has requested a constitutional review of a law that would promote the privatization of public lands, forests, and water bodies in sensitive areas such as the Amazon. In Chile, the Instituto Nacional de Derechos Humanos recommends that legislative bodies enhance the technical capabilities of the Environmental Impact Assessment System (SEIA) to better anticipate the combined impacts of industrial activities. It also advises strengthening the institutional prerogatives of environmental oversight bodies, particularly in areas with a concentration of diverse industrial activities, to safeguard the human rights of nearby populations.

21. Migrant workers

From the information available, it appears that National Human Rights Institutions (NHRIs) are engaging in various strategies to address the challenges faced by migrant workers. These strategies include administrative and legal support, as well as community-building initiatives aimed at better integrating migrant populations. The focus is not only on safeguarding the rights of migrant workers but also on ensuring that they are treated with dignity and respect in host countries, particularly in the context of the COVID-19 pandemic.

For instance, in Bolivia, the Defensoría del Pueblo intervened with the Ministry of Foreign Affairs to provide legal and administrative assistance to Bolivian citizens with hearing disabilities who were fired from their jobs in Brazil due to the pandemic. These workers were subsequently detained for violating emergency health protocols and were in need of urgent support to return home. In Brazil, the Procuradoria Federal dos Direitos do Cidadão (PFDC) held workshops in 2019 with the Migration Working Group to bolster local networks that can provide better reception and integration services to migrants and refugees. These efforts show that NHRIs are actively participating in creating better conditions for migrant workers, and that a multi-faceted approach is being employed to address the complex issues surrounding migration.

22. Persons with disabilities

National Human Rights Institutions (NHRIs) appear to be engaging in a multi-pronged approach to address the challenges faced by persons with disabilities. These strategies include legal intervention to ensure accessibility in public transportation and the workplace, as well as regulatory adjustments to ensure physical accessibility in public spaces like airports and educational institutions. By doing so, these organizations aim to uphold the rights of persons with disabilities, promoting their full and effective participation and inclusion in society.

For example, in Peru, the Defensoría del Pueblo took steps to ensure that public transportation services in Huánuco provide free transportation to people with severe disabilities. In Bolivia, the Defensoría del Pueblo intervened to provide legal and administrative aid to Bolivian citizens with hearing disabilities who lost their jobs in Brazil during the COVID-19 pandemic. In Brazil, the Procuradoria Federal dos Direitos do Cidadão (PFDC) coordinated efforts to improve accessibility conditions in Brazilian airports and educational institutions. They even signed a Conduct Adjustment Term with Empresa Brasileira de Correios e Telégrafos (ECT) to improve accessibility conditions for persons with disabilities.



These concrete examples indicate an active role played by NHRIs in multiple countries, aimed at bettering the conditions and upholding the rights of persons with disabilities.

23. Other

National Human Rights Institutions (NHRIs) have demonstrated a commitment to addressing a diverse range of issues, some of which fall outside specific thematic categories. These efforts include intervention in environmental incidents, advocating for the rights of vulnerable populations, and monitoring government compliance with various responsibilities. While not confined to a single issue, NHRIs continue to fulfill their mandate of safeguarding human rights and holding authorities accountable for upholding these rights.

For instance, the Defensoría del Pueblo in Peru intervened in response to an oil spill at the La Pampilla S.A.A. Refinery Terminal, focusing on environmental protection and the rights of fishermen. In Bolivia, the Defensoría del Pueblo conducted an evaluation of the treatment received by older adults in financial intermediation entities, addressing issues related to the elderly population. Meanwhile, the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil emphasizes the government's responsibility in various areas and utilizes reports to highlight instances where governmental obligations are not met. These examples illustrate the broad spectrum of concerns that NHRIs are actively engaged in to protect human rights and the welfare of their respective populations.

Business impacts - sectors

11. Agriculture and fisheries

The responses from National Human Rights Institutions (NHRIs) on issues related to agriculture and fisheries reflect a varied level of engagement, with some notable efforts among the participating institutions. The Defensoría del Pueblo of Peru, for instance, has undertaken actions to defend the rights of fishermen affected by an oil spill caused by the company Repsol. In addition, the Instituto Nacional de Derechos Humanos (INDH) in Chile conducted a comprehensive study examining the salmon industry's impact on the environment, local communities, and workers, proposing measures aimed at reducing negative impacts and maximizing positive contributions to equity, community development, environmental care, and sustainable development. However, it is essential to acknowledge that there is a limited number of responses from NHRIs in this area, which raises questions about the overall attention and prioritization of human rights issues related to agriculture and fisheries within the NHRI community.

12. Construction

The topic of construction appears to have limited representation among National Human Rights Institutions (NHRIs), with only one NHRI explicitly mentioning work in this area. This suggests that construction-related human rights issues may not be receiving sufficient attention from NHRIs across the board. The absence of responses from many NHRIs raises questions about the level of awareness and engagement regarding human rights concerns in the construction industry within the NHRI community.

Among the NHRIs that did respond, the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil stands out for its establishment of a Working Group in 2018 focused on adequate housing, a topic directly related to construction.



This Working Group took action in response to a complaint regarding problems in the progress of social housing construction, seeking clarification from the Ministry of Cities about bidding processes, project progress, and completion deadlines. While this example highlights a concrete effort by an NHRI to address construction-related human rights issues, the overall scarcity of responses underscores the need for broader NHRI engagement in monitoring and advocating for the rights of individuals affected by construction activities, especially in cases where their rights may be at risk.

13. Extractive/mining

The responses to the topic of the extractive/mining industry highlight a mixed level of engagement and action by National Human Rights Institutions (NHRIs). The examples provided demonstrate a range of activities, from participation in dialogues and investigations to legal actions and engagement with affected communities. It is evident that some NHRIs are actively monitoring and advocating for human rights in the context of mining and extractive activities, while others may have less visibility or fewer resources dedicated to this specific issue.

One notable example is the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil, which conducted visits to regions affected by mining and participated in public hearings to address health and environmental risks associated with mining activities. Another significant case is the Instituto Nacional de Derechos Humanos in Chile, which filed a legal recourse to protect the fundamental rights of residents affected by toxic emissions from a mining company. These actions demonstrate the proactive role that certain NHRIs play in holding mining and extractive industries accountable for their impact on human rights.

Also, the Defensoría del Pueblo del Perú has actively participated in spaces of dialogue and collaboration, such as the "Comité para el acompañamiento y evaluación del cumplimiento de los compromisos arribados" between the government, a mining company, and local communities. This engagement highlights their efforts to facilitate dialogue and monitor the implementation of agreements that

impact the rights of affected communities in mining areas.

Similarly, the Defensoría del Pueblo de Colombia conducts investigations to identify human rights impacts in business contexts, particularly in relation to economic activities that disregard human rights. They also follow up on judicial sentences related to business and human rights to ensure that victims of abuses in economic activities have access to reparations.

In Ecuador, the Defensoría del Pueblo has played a significant role in addressing human rights challenges associated with mining and extractive industries, particularly those affecting indigenous communities and their rights. Their work includes advocating for the rights of communities impacted by these industries and addressing cases that have garnered significant attention due to their relevance to human rights.

14. Garment industry

No answers.

15. Energy

National Human Rights Institutions (NHRIs) have been actively engaged in addressing human rights concerns related to the energy sector. Although the responses provided are relatively brief, it's evident that these institutions are involved in various activities aimed at safeguarding human rights in the context of energy projects. This involvement primarily includes processing complaints and participating in public hearings and inspections.

Concrete examples illustrate these efforts. For instance, the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil participated in inspections to assess the impacts of the construction of the Belo Monte hydroelectric power plant. They also set a deadline for the removal and relocation of families affected by the project, highlighting their role in ensuring that human rights are protected during energy infrastructure development. In Chile, the Instituto Nacional de Derechos Humanos engaged in a mission to observe the construction of a



hydroelectric power plant, signaling their commitment to monitoring the human rights implications of such projects.

16. Financial

It is notable that there is a substantial lack of responses from National Human Rights Institutions (NHRIs) when it comes to addressing human rights concerns related to the financial sector. Among the limited responses provided, Argentina stands as one of the few countries where NHRIs are actively involved in processing claims and complaints in this context. Specifically, the Defensoría del Pueblo de la Provincia de Santa Fe and the Defensoría del Pueblo de la Nación Argentina have mentioned their engagement in claim tramitation.

17. Information Technology (IT), electronics, and communications (including social media)

National Human Rights Institutions (NHRIs) have demonstrated varying degrees of engagement in addressing human rights concerns related to the Information Technology (IT), electronics, and communications sector, including social media. While some NHRIs have actively advocated for changes and taken measures to safeguard digital rights, others have not provided specific initiatives or detailed actions in this domain. The responses reveal a fragmented landscape, highlighting disparities in the focus and commitment of NHRIs to protect human rights in the evolving digital landscape.

For instance, the Defensoría del Pueblo del Perú has proactively engaged with regulatory authorities to request modifications to rules governing tariff increases by telecommunications companies, reflecting a commitment to safeguarding consumer rights in the telecommunications sector. Additionally, the Instituto Nacional de Derechos Humanos (INDH) in Chile's annual report for 2018 devoted an entire chapter to the protection of personal data from a human rights perspective. This chapter addressed the challenges posed by technology and digital platforms and emphasized the state's responsibility to effectively protect the right to privacy and other rights

affected by malicious data capture or illicit transfer and processing. The INDH's approach included the analysis of secondary sources, comparative legislation, national jurisprudence, and discussions with experts in the field. These examples highlight the dynamic nature of NHRI engagement in addressing digital rights issues, underlining the importance of comprehensive efforts in this evolving domain.

18. Security

National Human Rights Institutions (NHRIs) have shown varying levels of engagement in addressing security-related human rights concerns. While some NHRIs have actively initiated actions to promote security and protect citizens' rights in this context, others have provided relatively brief responses with no specific initiatives mentioned. This diversity of responses reflects differences in the priorities and strategies of NHRIs across different regions.

For instance, the Defensoría del Pueblo del Perú has launched a series of technical meetings to discuss the proposal for the creation of a body dedicated to ensuring road safety, underscoring their commitment to addressing issues related to security and safety on the nation's roads. On the other hand, the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil has initiated a civil inquiry investigating measures taken by the Federal Police to inspect private security companies. This inquiry is aimed at addressing structural racism, discrimination, and racism cases within the private security sector, showcasing PFDC's dedication to combating issues of security-related discrimination. These examples illustrate the diversity of NHRI actions related to security, highlighting their role in advocating for human rights in contexts involving security and safety concerns.

19. Tourism

No answers



20. Others

Defensoría del Pueblo del Perú has been proactive in advocating for the implementation of a new phase of policy on healthy food, emphasizing the importance of not postponing this critical initiative. Similarly, the Defensoría del Pueblo de Colombia has undertaken a comprehensive assessment of human rights violations in business

contexts across the country. This involved gathering information from multiple regional offices and engaging with communities, individuals, local entities, and the business sector. Through this effort, they identified key human rights violations in business contexts, sectors prone to rights infringements, and the behaviors contributing to these violations.

Engagement with state actors in specific areas

6. Development Finance Institutions

Among the National Human Rights Institutions (NHRIs) surveyed, only the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil provided responses related to Development Finance Institutions. PFDC's responses shed light on their active involvement in advocating for human rights considerations in development finance. In 2016, PFDC issued a significant recommendation urging Brazilian state financial institutions, such as the National Bank for Economic and Social Development (BNDES), not to provide loans or financing to companies involved in practices akin to slave labor. This demonstrates PFDC's commitment to ensuring that development finance aligns with human rights principles.

Furthermore, PFDC continued its engagement in this area by hosting a webinar in 2021 titled "The Protection of Human Rights in Financing by Development Funding Institutions." This webinar likely served as a platform for discussion and knowledge-sharing regarding the role of development finance in human rights promotion and protection. While PFDC's responses provide valuable insights into their efforts, it is noteworthy that no other NHRI among those surveyed provided input on this topic, indicating that the role of NHRIs in the context of Development Finance Institutions may not be as prevalent or documented across all countries in the survey.

7. Export Credit

No answers

8. Free Trade and Investment Agreements

No answers

9. Public procurement

In the context of addressing human rights concerns related to public procurement, it is notable that only the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil provided a response among the National Human Rights Institutions (NHRIs) surveyed. PFDC's example highlights their proactive role in scrutinizing public procurement processes. In May 2019, PFDC sought clarifications regarding the contracting operations for housing unit construction linked to the 'Minha Casa Minha Vida Entidades' program in specific municipalities within the state of São Paulo. This engagement signifies PFDC's commitment to ensuring transparency and accountability in public procurement, underlining the critical link between procurement practices and human rights outcomes.

10. State owned enterprises / Public-Private partnerships

National Human Rights Institutions (NHRIs) have shown a diverse range of engagement in addressing human rights concerns related to state-owned enterprises and public-private partnerships. While not all NHRIs provided responses on this topic, those that did demonstrated a commitment to monitoring and advocating for human rights within the context of such entities.



These engagements encompass various activities, including citizen complaint handling, capacity-building initiatives, and formal agreements with relevant enterprises. Importantly, NHRIs emphasized the protection of rights related to access to essential services, disability inclusivity, and transparency in business operations.

Concrete examples illustrate these efforts. For instance, the Procuradoria Federal dos Direitos do Cidadão (PFDC) in Brazil established a Term of Conduct Adjustment in 2019 with Correios (ECT), the state-owned postal service, to ensure accessibility for people with disabilities or reduced mobility in post offices. This initiative exemplifies the role of NHRIs in promoting inclusivity and equal

access to essential services provided by state-owned enterprises. Additionally, the Instituto Nacional de Derechos Humanos (INDH) in Chile has conducted various activities involving private companies, particularly in the extractive and energy sectors. Their missions of observation, reporting, and legal actions underscore the importance of NHRIs in addressing human rights challenges within the context of state-owned enterprises and public-private partnerships.

Working on business and human rights topics and methodologies

5. National Action Plans on Business and Human Rights

National Human Rights Institutions (NHRIs) have demonstrated varying degrees of engagement with regard to National Action Plans on Business and Human Rights. While not all NHRIs provided detailed responses, some have actively participated in the development or monitoring of these plans, aligning with international frameworks such as the UN Guiding Principles on Business and Human Rights. Their contributions have encompassed providing inputs, organizing consultations with stakeholders, and offering expertise to help shape these plans. However, the level of involvement and the specific actions undertaken by NHRIs vary among countries, with some directly engaged in the formulation and implementation of these plans, while others have played a more consultative role.

Concrete examples highlight the active role of certain NHRIs:

- The Defensoría del Pueblo del Perú actively participated in the formulation of the National Action Plan on Business and Human Rights (PNA), which was approved in 2021. Although the institution's specific roles in implementing the plan were not detailed, its contributions during the formulation stage indicate

an active commitment to this initiative.

- The Defensoría del Pueblo de la Nación Argentina was entrusted with the task of developing the National Baseline Assessment (LNB) for a future plan. This process involved capacity-building efforts, conversations with various stakeholders, including the private sector and civil society, and surveys to inform the plan's development.
- The Instituto Nacional de Derechos Humanos in Chile assisted in the baseline assessment and continues to collaborate with the central government in updating the actions outlined in the National Action Plan on Business and Human Rights.
- The Defensoría del Pueblo de Colombia has monitored both versions of the National Action Plan on Business and Human Rights executed by the Colombian government.
- The Defensoría del Pueblo in Ecuador is part of the technical working groups responsible for constructing the National Action Plan on Business and Human Rights, led by the Ministry of Foreign Affairs and Human Mobility. Although the process began in 2020, it has faced limited progress due to decisions made by the national government.



While some NHRIs have actively participated in these initiatives, others have made initial attempts, highlighting the diverse approaches taken by NHRIs across countries in their efforts to advance National Action Plans on Business and Human Rights.

6. Human rights due diligence

In the realm of Human Rights Due Diligence, National Human Rights Institutions (NHRIs) have shown a diverse range of activities and approaches. While not all NHRIs provided detailed responses to this question, several have been actively involved in promoting and facilitating the integration of human rights due diligence within their respective regions and contexts. Their efforts have primarily centered on capacity-building and awareness-raising initiatives, fostering collaboration among stakeholders, and generating tools and resources to guide communities, individuals, and businesses in implementing due diligence processes. NHRIs have contributed to defining the scope and content of human rights due diligence, aiming to ensure that this critical aspect of business operations aligns with international human rights standards and principles.

Concrete examples underscore the active role of certain NHRIs in advancing human rights due diligence:

- The Defensoría del Pueblo de la Nación Argentina has conducted capacity-building activities within the framework of Defensorías del Pueblo, focusing on enhancing understanding and practical application of human rights due diligence principles.
- The Instituto Nacional de Derechos Humanos in Chile has engaged in promoting mandatory due diligence regulation through various forums, demonstrating its commitment to shaping the legal framework for human rights in business.
- The Defensoría del Pueblo de Colombia has taken steps to define the scope and content of Human Rights Due Diligence within the Colombian context. It has developed practical tools and documents to

assist communities, individuals, and businesses in implementing due diligence processes, emphasizing the importance of involving all stakeholders in this endeavor.

- The Defensoría del Pueblo in Ecuador is actively participating in thematic working groups organized by the Federación Iberoamericana del Ombudsman (FIO) and an ad-hoc group formed within the regional forum on Business and Human Rights. Since 2022, these groups have initiated discussions on human rights due diligence as a pivotal element in the context of business and human rights, underlining the importance of international cooperation in addressing this issue.

7. Human rights impact assessments:

National Human Rights Institutions (NHRIs) have engaged in various activities related to Human Rights Impact Assessments (HRIAs). These endeavors aim to identify, evaluate, and mitigate the potential human rights impacts of business operations, projects, or policies. While not all NHRIs provided extensive details, their involvement has primarily encompassed participating in collaborative initiatives, conducting assessments in specific cases, or contributing to sector-wide impact assessments. These efforts underscore the commitment of NHRIs to ensure that business activities respect and uphold human rights standards.

Concrete examples illustrate the diverse approaches taken by NHRIs in the realm of HRIAs:

- The Defensoría del Pueblo de Bolivia conducted an impactful case-specific HRIA related to labor conditions. Following complaints of workers subjected to excessive hours and mistreatment by a Chinese supervisor in the company Camce Unión Engineerig, the office investigated the allegations and urged the Ministry of Labor to inspect the reported incidents. Subsequently, fines were imposed for multiple labor law violations, highlighting the role of the NHRI in addressing human rights abuses within business operations.



- The Instituto Nacional de Derechos Humanos in Chile collaborated with the Danish Institute for Human Rights to develop a sector-wide impact assessment focused on the salmon industry. This joint effort demonstrates the NHRI's commitment to addressing human rights concerns in a specific sector and aligns with international best practices for evaluating the industry's impact on human rights.

These examples showcase how NHRIs play a vital role in promoting responsible business conduct and safeguarding human rights through their involvement in HRIAs.

8. Other BHR topics and integration into the strategic plan

In response to whether they have worked with business and human rights in ways beyond the specific areas mentioned earlier, a few National Human Rights Institutions (NHRIs) have indicated affirmative efforts:

The Defensoría del Pueblo de la Nación Argentina has actively engaged with business and human rights through capacity-building initiatives and advocating for the inclusion of a human rights respect clause in the bidding process for a provincial state mining company. Additionally, they have pursued information requests from companies, achieving positive outcomes in the majority of cases. This demonstrates their multifaceted approach to promote responsible business practices.

The Defensoría del Pueblo de Bolivia has integrated business and human rights into their institutional objectives and actions as outlined in their 2021-2026 Institutional Strategic Plan. While specific details are not provided, their commitment to addressing these issues is reflected in their strategic plan.

The Procuraduría de los Derechos Humanos de Guatemala has expressed an ongoing interest in the subject of business and human rights, indicating that there is an initiative underway to revisit this topic. Although no specific actions or results are mentioned, their continued involvement signifies their dedication to addressing human rights within the business context.

While many NHRIs have not pursued additional initiatives beyond their core functions, these examples showcase the commitment of some NHRIs to engage with business and

human rights in various capacities, from advocacy and capacity-building to strategic planning and future initiatives.

Also, several National Human Rights Institutions (NHRIs) have integrated business and human rights into their current strategic plans, demonstrating a commitment to addressing these issues in a structured and comprehensive manner:

- Defensoría del Pueblo del Perú: The Peruvian NHRI has formed a dedicated working group on Business and Human Rights, consisting of officials from various departments within their institution. This group acts as a coordination and supervisory body, overseeing the implementation of Peru's National Action Plan on Business and Human Rights (2021-2025). This approach highlights their intention to engage systematically in this area and coordinate efforts across the institution.

- Defensoría del Pueblo de la Nación Argentina: In Argentina, business and human rights have been integrated as a cross-cutting theme within their strategic plan. They collaborate with various areas, including health, employment, environment, public services, and vulnerable groups, emphasizing the interconnectedness of these issues with human rights.

- Procuradoria Federal dos Direitos do Cidadão - Brazil (PFDC): The Brazilian NHRI's human rights work, including business and human rights, is broadly embedded within the strategic planning of the Federal Public Prosecution Service (MPF). Their long-term planning focuses on strengthening coordinated, transversal, and harmonious action in promoting and defending human rights, involving different instances of the MPF, civil society, and partner organizations. This approach reflects a comprehensive strategy for addressing human rights in various contexts, including business operations.

- Instituto Nacional de Derechos Humanos Chile: Chile's NHRI has established a working group within its board of directors, suggesting a structured and



collaborative approach to incorporate business and human rights into its strategic planning.

- Defensoría del Pueblo de Colombia and Defensor del Pueblo de la República Dominicana: Both institutions have strategically incorporated business and human rights into their plans, emphasizing the importance of engaging with the private sector and promoting a culture of businesses respecting human rights.

What do you/ your NHRI need to work more on the topic of business and human rights?

Training workshops/e-learning courses: Seven out of ten NHRIs indicated a need for training workshops or e-learning courses to enhance their work on business and human rights. This suggests a strong demand for capacity-building in this area.

Regular meetings with others working on BHR at the national level: Eight NHRIs expressed the need for regular meetings at the national level to collaborate and share insights on business and human rights issues.

Regular meetings with others working on BHR at the regional level: Six NHRIs identified the need for regional-level meetings, indicating a desire for broader collaboration and knowledge exchange in a regional context.

Development of new guidance and tools: Seven NHRIs mentioned the need for the development of new guidance and tools, indicating a desire for more specific resources tailored to their work on business and human rights.

Introduction to existing guides: Five NHRIs expressed a need for introductions to existing guides, suggesting that they may require assistance in navigating the available resources.

Highlight practical cases that show how NHRIs and NCPs work on the topic: Six NHRIs indicated a need for practical cases and examples to illustrate how NHRIs and NCPs are effectively working on business and human rights issues.

Additional resourcing: Five NHRIs mentioned a need for additional resources, suggesting that they require increa-

sed support, whether in terms of staff, funding, or infrastructure.

Overall, the most common needs identified across NHRIs are training workshops, regular meetings for collaboration, and the development of new guidance and tools. This indicates a shared interest in building capacity and resources to address business and human rights issues effectively.

6. Responses from Africa⁵

Summary

This chapter presents a comprehensive overview of the engagement of National Human Rights Institutions (NHRIs) with the critical domain of Business and Human Rights (BHR) in Africa. Drawing upon the responses of numerous NHRIs, this study delves into the extent, nature, and challenges surrounding BHR activities undertaken by these institutions.

NHRIs play a pivotal role in safeguarding human rights within their respective jurisdictions. An impressive 90% of responding NHRIs consider their mandates as conducive to conducting BHR activities. Importantly, many NHRIs interpret their mandates expansively, allowing them to address a wide range of BHR issues. Despite possessing the legal basis for BHR work, engagement levels differ among NHRIs, with some demonstrating extensive invol-

5. The content of these paragraphs has been sourced from the NANHRI Member Survey on Business and Human Rights & Sustainable Oceans. Certain sections within this report have been modified, while maintaining the original report's overarching purpose and scope, to ensure coherence. For the complete, unaltered report, please refer to the following link: <https://www.nanhri.org/nanhri-member-survey-onbusiness-and-human-rights-sustainable-oceans/>



vement and others indicating more ad-hoc efforts. Notably, while NHRIs in East and Southern Africa have a relatively longer tradition of working on BHR, those in West Africa and other subregions often engage on a more sporadic basis. Nevertheless, a common thread unites all respondents: a strong interest in furthering their BHR engagement and a need for support to do so.

This report reveals that, despite acknowledging capacity limitations, NHRIs actively participate in a diverse array of BHR-related activities. Central to their efforts are the provision of advice and recommendations to governments, with 88% of institutions citing this as a primary activity. Recommendations frequently find their way into NHRIs' annual reports. NHRIs employ various approaches to provide advice, ranging from technical advocacy meetings to sector-specific recommendations following site visits.

Complaints-handling concerning human rights abuses in the business sector is another key domain of NHRIs' BHR work, with 85% of institutions actively addressing such issues. Various methods are employed, including alternative dispute resolution and collaboration with inspection bodies. NHRIs also engage with the business sector by promoting human rights awareness (63%) and corporate social responsibility initiatives (55%). However, resource constraints and advocacy limitations present challenges in this regard.

While NHRIs exhibit increased engagement with businesses, interactions with regional BHR frameworks remain limited. Familiarity with regional mechanisms is generally low, with the exception of the United Nations Guiding Principles on Business and Human Rights (UNGPs). However, a strong interest in strengthening engagement with regional mechanisms is expressed.

NHRIs actively exchange information with various stakeholders, including civil society organizations and national government ministries. Communication with multinational enterprises, foreign governments, and international donor organizations is less frequent. Collaborative efforts

often focus on capacity-building events and awareness-raising forums.

The report highlights several thematic issues of concern to NHRIs within the realm of BHR. Labor rights, particularly gender-based discrimination, sexual harassment, and human trafficking, are prominent areas of focus. Environmental issues, such as pollution and inadequate regulatory protection, also feature prominently. Land rights, including land grabbing and inadequate compensation, are consistently ranked as relevant. Additionally, NHRIs express concerns related to corruption, new challenges posed by the information and communications technology sector, and threats to human rights defenders challenging business activities.

Financial constraints emerge as a significant challenge limiting NHRI engagement in BHR activities, with insufficient resources hindering their ability to implement BHR initiatives effectively. Institutional capacity is another concern, with limited dedicated staff and expertise. NHRIs seek support and capacity-building opportunities in areas such as human rights monitoring, impact assessments, and engagement with regional processes.

In summary, this report underscores the vital role played by NHRIs in addressing BHR challenges within their jurisdictions. It sheds light on their achievements, ongoing efforts, and the support required to bolster their capacities and enhance their contributions to the protection and promotion of human rights in the context of business activities.

Mandate

Ninety percent of responding NHRIs consider their mandate suitable to conducting BHR activities, especially as most of them interpret their mandate broadly to encompass BHR. Yet, despite possessing the legal basis for undertaking BHR work, the extent of BHR engagement has varied among NHRIs. Only six respondents indicated not having undertaken any BHR-related work, meanwhile the remaining respondents mentioned



varying degrees of BHR engagement. While most respondent NHRIs in East and Southern Africa seemed to reflect a relatively longer tradition of working on BHR (10 years), a majority of institutions operating in West Africa and other subregions indicated ad-hoc engagement and/or discontinuous activities on the topic. Optimistically, all responding institutions have expressed interest in engaging further on BHR and indicated a need for support on the agenda going forward.

NHRIs' activities

Despite reporting a lack of relevant capacities, institutions indicated that in practice they nevertheless undertake a range of BHR-related activities. In particular, recommendations to government on BHR and complaints-handling concerning human rights abuses in the business sector, stand out (88% and 85% respectively); followed closely by investigations concerning business-related human rights abuses and support to victims of business-related human rights abuses to remedy mechanisms, by around three quarters. Notably, these categories align closely with the common functions of NHRIs as articulated in the Paris Principles. Internal and external capacity building on BHR was an activity reported by almost three quarters of the respondents. In the section below, we elaborate further on the main and least developed activities indicated by respondents of the survey and draw implications for NANHRI support to members going forward.

1. Advisory and recommendations

In line with their mandate to suggest effective measures for the promotion and protection of human rights, 88% of responding institutions declared the provision of advice and recommendations to the government as the main type of activity undertaken on BHR. Most NHRIs reported integrating BHR recommendations in their annual reports. Few suggested other pathways of providing advice and recommendations to the government. One respondent mentioned holding technical advocacy meetings with government officials within technical units, as a follow-up to any fact-finding mission undertaken by their institution. Two respondents referred to

reporting specifically on BHR and the issuing of sectoral recommendations following site visits. How BHR might be most effectively reported on by NANHRI members in their respective jurisdictions, could therefore be an interesting area for further research.

2. Complaints-handling

Besides the advisory role, another key area of BHR work underlined by a majority of respondents (85%) relates to complaints-handling concerning human rights abuse in the business sector. Institutions have further suggested different ways in dealing with the complaints depending on their inclusion of BHR within their mandate, their financial resources and staff capacity. It was also observed that many institutions referred to alternative dispute resolution (ADR), including mediation and conciliation, to resolve BHR-related complaints in the first instance. Other institutions have implemented mechanisms of coordination with inspection bodies and referred cases to court when needed. While some institutions pointed to handling complaints systematically, through actions such as monitoring and site visits, many mentioned lacking capacity to address BHR issues systematically, especially in relation to complaintshandling. How NANHRI members apply their mandates to handle business-related complaints could therefore be an instructive area for further research. instructive area for further research.

3. Business engagement and outreach

When compared to the 2013 survey on BHR, there has been an increase in the business-facing activities driven by NHRIs: 63% of respondents mentioned promoting human rights awareness to the business sector as part of their activities. At least 55% of the respondents also mentioned engaging business on corporate social responsibility initiatives. One NHRI mentioned that while engaging with business is a key priority, lack of resources and weak means of advocacy have prevented consolidating advocacy in that area. Yet, engagement with businesses was stated among respondents as an area for which increased engagement could take place in the future. One respondent specifically expressed interest in



focussing on select sectors and working with mining companies to encourage them to meet human rights targets and goals.

4. Interaction with regional mechanisms

In general, the NHRIs have had limited BHR-related interactions with regional mechanisms. A majority of the respondent NHRIs declared not being familiar with most of the regional BHR frameworks, mechanisms, procedures and projects. NHRIs declared being familiar with the UNGPs to a very high/high extent. However, all other frameworks, especially regional ones, appear less known among the respondents. For example, only one fourth of the respondents declared being familiar to very high or high extent with the African Commission Working Group on the Extractive industry. This workstream is nonetheless of interest to NANHRI members as 95% of respondents stated they have an interest in strengthening their engagement with regional mechanisms and frameworks on BHR.

5. Exchange of information with other stakeholders

In general, more than half of the NHRIs reported extensive information exchange (to a high or to some extent) with other entities such as: national civil society organisations, ministries of the national government, and local media. However, there was considerably less communication, by contrast, between slightly above one thirds of the responding NHRIs, with multinational enterprises, foreign governments, international donor organisations, and other NHRIs. Information exchange with local government authorities, privatised utility companies, the police, national business associations and the military was also reportedly limited. When it comes to modalities of engagement with different stakeholders, many NHRIs reported collaborating with different stakeholders on BHR by means of facilitating internal and external capacity building events. Some NHRIs also mentioned convening forums and events aiming at raising awareness on BHR. Another means of collaboration indicated was collaborative case study development and research on BHR.

Business impacts on the human rights of groups / thematic issues

1. Labour rights

Several issues pertaining to fundamental principles and rights at work remain persistent across the jurisdiction of surveyed NHRIs. Fundamental principles, as defined by the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work,⁹ apply to all people in all States – regardless of the level of economic development – and include: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.

Gender-based discrimination was noted as the most relevant area of concern (60%). Similarly, sexual harassment and human trafficking were noted as highly relevant issues by around half of the responding NHRIs. Despite ranking such issues as highly relevant, interestingly, the data suggests that gender-related issues remain underrepresented in the complaints received by NHRIs: 43% of the NHRIs reported that they have not received any complaint linked to gender-based discrimination in employment. This suggests that there may be persistent barriers in seeking justice for women victims of business-related abuse, as well as those that may be discriminated against on the basis of Sexual Orientation, Gender Identity and Expression (SOGIE).

General working conditions and employment relations also emerges as a key theme, with respondents highlighting inadequate pay and unsafe working conditions as highly relevant (58% and 45% respectively). Inadequate pay, unsafe working conditions and excessive hours also constitute the majority of complaints received by NHRIs: 73% of respondents indicated having received complaints linked to pay within the past five years. Finally, it is worth noting that a majority of the NHRIs mentioned that activities in the informal economy (e.g., those run by micro and small enterprises, family-run businesses, informal workers working for informal and formal businesses)



as a highly relevant or relevant BHR issue (55% and 38% respectively).

Child labour emerges as a pervasive issue with all but, one of the responding institutions considering the issue of relevance or high relevance. Similarly, 83% of the surveyed NHRIs reported issues of forced and compulsory labour as relevant or highly relevant. Furthermore, all but, one of the surveyed NHRIs noted freedom of association and collective bargaining as relevant or highly relevant.

2. Environmental issues

Two key themes emerging from the data on environmental issues are: (1) pollution; and (2) inadequate regulatory protection in terms of environmental management. Half of the respondents considered water and air pollution, limited environmental monitoring, and inadequate environmental and social impact assessment as highly relevant. When considered in combination, this clearly points to NHRIs encountering regulatory protection gaps in environmental management. Interestingly, despite environmental issues ranking as highly relevant as land and labour issues, NHRIs seem to have received fewer complaints concerning environmental matters, when compared to labour and land issues. Of all responding institutions, just over 40% reported receiving many or some complaints about water pollution, while only one-quarter received this level of complaints regarding other refuse and environmental hazards. Fewest complaints were received about safety risks from transportation. Nevertheless, it is worth noting that there has been an increase in the number of complaints received within this category since 2013. While only one third of responding NHRIs had declared receiving many or some complaints linked to water pollution in 2013, more than half of the NHRIs confirmed receiving issues within this category in 2021. This trend is also noticeable for other environment-related complaints, with NHRIs receiving more environment-related complaints in almost every category in 2021, when compared to 2013. Further research might usefully explore if this shift is due to heightened environmental awareness among rights-holders, an increase in environmental threats, increased

NHRI capacity to receive environment-related complaints or other factors.

3. Land rights

Land-related issues were consistently ranked as relevant or highly relevant. Notably, two-thirds of the respondents indicated the relevance of all categories linked to land. In particular, land grabbing, forced evictions or involuntary resettlement, and inadequate compensation for land acquisition were all ranked as highly relevant by more than half of the respondents. Reflecting on the known interplay of these issues, the survey findings indicate that NANHRI members are keenly aware of the implications of increasing public and private investment in land on people's rights. Relatedly, lack of community consultation of communities in land-related decision-making also came out strongly. Interestingly, restrictions to ecosystem services, and interference with tangible and intangible cultural heritage, while also commonly associated with increased land acquisition, lease and use by public and private investors, were only ranked as highly relevant by one third of the respondent NHRIs. Further research might usefully explore why this is the case. The magnitude of the above challenges is further reflected in the complaints received by NHRIs within the land category: More than half of the NHRIs indicated receiving many or some complaints linked to forced evictions and involuntary resettlement. This number constitutes the second highest category of all complaints indicated by NANHRI members and is only preceded by the complaints linked to inadequate pay. In addition, almost half of surveyed NHRIs declared receiving many or some complaints relating to land grabbing and relating to inadequate compensation for land acquisition and use. Finally, it is worth noting that respondents operating in the West Africa region have indicated problems with public or private security guards protecting business sites, equipment or business personnel as highly relevant: 5 out of 6 respondents from West Africa reported receiving many complaints on the issue. Whether this category is particularly relevant to countries of West Africa, as many of these currently operate within fragile security settings marked by conflict and violence, could be yet another future area of research.



4. Other emerging issues

Corruption in and connected to the business sector was viewed by most respondents as an important issue: 92% of the institutions classified the category as relevant or highly relevant. It is worth noting that corruption has been mentioned in various instances across the survey data. For example, respondents who mentioned the uneven power held by businesses as a key challenge impeding the work on BHR, have further emphasised the role of corruption as a root cause of the disproportionate influence held by businesses. For example, one respondent NHRI pointed to the private sector as one of the primary sources of corruption in their jurisdiction. Another respondent enumerated the negative impacts of the mining industry. Other rising issues highlighted by the responding NHRIs revolve around new forms of human rights challenges associated with the expanding information and communications technology (ICT) sector. Increasing concerns regarding technology-enabled privacy violations were mentioned by 81% of the respondents. Besides elements from the listed categories, one respondent flagged increasing issues of online misinformation and information as highly relevant. While there exists less research about hoaxes and inaccurate information across the African continent, recent developments have pointed to the life-threatening impacts of false and misleading online information in contexts such as the COVID-19 pandemic or political campaigns. The same respondent also pointed to upcoming challenges at the intersection of technology and gender issues, emphasising the rise of tech-facilitated genderbased violence as a relevant issue to address going forward. Another prominent issue brought forward by the NHRIs is the shrinking space on civic freedom and threats linked to human rights defenders who challenge business activities. While a majority of the NHRIs highlighted the relevance of the issue in relation to the rights of communities and land grabbing, the degree of intimidation mentioned varied from threats to the killing of human rights defenders. One respondent also pointed to the increasing use of civil litigation in silencing and intimidating human rights defenders. Strategic Lawsuit Against Public Participation (SLAPPs) refer to the civil lawsuit filed by a business against individuals or non-governmental organisations

(NGOs) with the aim to shut down critical speech by intimidating critics into silence and draining their resources.

Business impacts - sectors

The mining sector was starkly highlighted to have the highest extent of negative human rights impacts, ranked by 55% of the respondent NHRIs as being involved with negative human rights impacts to a high extent. This was followed by the oil and gas, health and education, and agriculture sectors highlighted, with slightly less than one third of the respondents, whose negative human rights impacts were also considered to be high. As such, the findings clearly identify the extractive industries in the region as connected to negative human rights impacts. Taking a combined assessment considering sectors that were ranked as contributing to negative human rights impacts either to a high extent or to some extent, the civil construction (roads, bridges etc.), industrial manufacturing and the fisheries sectors should be noted. The solar and wind and hydropower sectors were the two sectors which most responding NHRIs reported as not being involved in any negative human rights impacts (40% and 30% respectively). Given the increasing interest in the development of renewable energies in the region, further research might usefully further explore NHRIs exposure to and experiences with the traditional and renewable energy sectors to better understand the notable divergence in reported association with negative human rights impacts. Interestingly, many responding NHRIs also indicated that they could not make an assessment of the linkages between the listed sectors and negative human rights impacts. Particularly notable are the utilities, solar and wind, and IT, electronics and telecommunications sectors, by close to half of the responding NHRIs. Whether this is due to limited negative human rights impacts associated with these sectors, limited data being available to NHRIs, limited understanding of NHRIs of these sectors or other factors, could be usefully explored in further research.



What do your NHRI need to work more on the topic of business and human rights?

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1. Challenges

a) *Financial and economic challenges*

Financial resources emerged as the main challenge limiting NHRI engagement on BHR (93%). The multiple ways in which this plays out were also elaborated by the respondents. While 26 respondents declared having integrated BHR in their 2021 workplan, only 14 respondents indicated possessing the needed dedicated resources to implement these activities. One respondent further reported that the government has not approved any dedicated BHR funding for this year, therefore pointing to the challenges of policy autonomy faced by NHRIs. Almost all NHRIs indicated that their institutional budget was insufficient to effectively conduct the said BHR activities. In this context, few NHRIs mentioned having sought support from international actors. Further issues raised by two-thirds of the respondents relate to the challenging socio-economic context across countries creating bottlenecks on the capacity of NHRIs to mobilise on BHR. One respondent pointed to social unrest, the COVID-19 pandemic and other changes diverting focus from the human rights implications of business activities to other human rights focus areas. Another respondent highlighted the longstanding systemic issues of creating employment as a contextual barrier to pursuing meaningful engagement on the promotion of responsible

business conduct. As such, the persistence of job creation challenges, causing economies to focus on the creation of livelihood opportunities and the promotion of subsistence activities, makes it difficult to focus and promote responsible business conduct.

a) *Institutional capacity*

While findings of the survey highlight NHRIs' interest in forging the BHR agenda, the institutional capacity to effectively conduct work on BHR was noted as a lacuna among most responding NHRIs. As such, only few institutions indicated having a dedicated commissioner to work on BHR. Nonetheless, a majority mentioned that commissioners in charge of socio-economic rights loosely interacted with the BHR agenda, pointing to the potential synergies between these two areas of work. When it comes to implementing BHR specific activities, only 20 institutions declared having a designated focal point to implement BHR activities. Generally, there is an agreement among respondents that internal capacity of NHRIs could be strengthened to better tackle BHR issues. Respondent NHRIs stated internal capacity building on BHR as a priority: More than half of the respondents reported lacking some expertise in the areas of BHR. Some respondents explicitly mentioned that BHR remains a new topic of interest and may therefore be understudied and less understood by the institution. Other institutional challenges mentioned by respondents concern the lack of collaboration between actors and the weak interest of institutional actors and private actors in the agenda. One respondent further mentioned the constant shifts within the structuring of their institution impeding any effective implementation of BHR work.

3. Needs

Overall, the respondent NHRIs expressed high needs for capacity building and support in all the categories included in the survey. The need for capacity strengthening of NHRIs in the areas of human rights monitoring of business activities and conducting human rights impact assessment of business activities ranked the highest



(both at 79%). The need for support especially in relation to strengthening capacity to draw linkages and assess human rights impacts linked to environmental challenges was a recurring theme mentioned by the respondents.

Another area where improvement could be considered, relates to capacity strengthening on complaints-handling, conducting formal investigations and engaging with the African regional processes and mechanisms (all at 74%). The need for capacity strengthening on the African processes and mechanisms was a timely request in particular, considering that this engagement by NHRIs has been weak or sometimes lacking, compared to the NHRIs' more robust engagement on the international mechanisms and processes, such as the United Nations processes. From the findings, it is also important to note that the responding NHRIs generally expressed the need for capacity strengthening for all the mentioned techniques. However, it could be deduced that the responding NHRIs' capacity is relatively stronger on conducting dialogue with businesses and business people, and organising stakeholder roundtables, compared to all the other areas. Inter-NHRI exchange programmes and study tours for knowledge and good practice experience sharing at regional and international levels was a highly requested area of need. Additionally, the responding NHRIs further requested support for: capacity building of NHRIs on conducting sectoral BHR baseline studies; establishment an African interNHRI working group on BHR; strengthening the capacities of NHRIs in the development of National Action Plans on Business and Human Rights; more designated funding for NHRIs to implement BHR projects and/or activities; need for a continent wide agreement by all NHRIs on a BHR treaty; and targeted seminars, training and study tours with a thematic focus on BHR, specifically for the relevant BHR focal persons and staff within the NHRIs.

